

# federal register

WEDNESDAY, MARCH 8, 1972

WASHINGTON, D.C.

Volume 37 ■ Number 46

Pages 4947-4996



## HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

- WEST VIRGINIA FLOOD RELIEF**—SBA announces disaster loan assistance for Logan and Mingo County businesses ..... 4985
- POULTRY**—USDA instructions for testing scales used in the marketing of live poultry; effective 3-15-72 ..... 4952
- NEW ANIMAL DRUGS**—FDA approves extension of withdrawal period for dairy cattle following administration of certain sulfa compound; effective 3-8-72 ..... 4958
- ANTIBIOTICS**—
- FDA amendment to assay concentrations in certain semisynthetic penicillins ..... 4958
  - FDA amends certain packaging requirements; effective 3-8-72 ..... 4958
  - FDA revokes certification of a neomycin suppository and an ointment following efficacy evaluations (2 documents); comments within 30 days ..... 4958, 4959
  - FDA proposal to increase moisture content of certain drug; comments within 60 days ..... 4967
- FAIR CREDIT REPORTING**—FTC notice of proposed interpretations on credit guides, loan exchanges, motor vehicle reports and other matters; comments within 30 days ..... 4982
- SECURITIES CREDIT TRANSACTIONS**—FRS notice postponing effective date of proposed amendments to 9-1-72 ..... 4968
- MARINE ELECTRICAL SYSTEMS**—Coast Guard miscellaneous amendments; effective 6-1-72 ..... 4959

(Continued inside)



Now Available

## LIST OF CFR SECTIONS AFFECTED

1949-1963

This volume contains a compilation of the "List of Sections Affected" for all titles of the Code of Federal Regulations for the years 1949 through 1963. All sections of the CFR which have been expressly affected by documents published in the daily Federal Register are enumerated.

Reference to this list will enable the user to find the precise text of CFR provisions which were in force and effect on any given date during the period covered.

**Price: \$6.75**

Compiled by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, U.S. Government Printing Office  
Washington, D.C. 20402



Area Code 202

Phone 962-8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$2.50 per month or \$25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.



## HIGHLIGHTS—Continued

### INCOME TAX—

- IRS revision of proposed regulations on distributions of stock and stock rights; comments by 4-7-72 ..... 4964
- IRS announces 4-12-72 hearing on proposal concerning 50% maximum rate on earned income ..... 4964
- IRS rule on percentage to be used by foreign insurance co.'s in filing 1971 tax and 1972 estimated tax ..... 4963

- SEED COTTON LOAN PROGRAM—USDA proposal for upland and American-Pima cottons, comments within 30 days ..... 4967

- AIR FREIGHT RATES—CAB finds rate increase proposals by Airborne and WTC Air Freight in accordance with price stabilization guidelines (2 documents) ..... 4976, 4977

### BROADCAST MEDIA AND THE FAIRNESS DOCTRINE—

- FCC withdraws 2-3-72 notice concerning editorial advertising and extends comment time to 3-8-72 on request for views regarding the broad public interest considerations of fair broadcasting policy ..... 4980
- FCC aims for clear appraisal of fairness issues in panel discussions beginning 3-27-72 ..... 4978

## Contents

### AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

#### Proposed Rule Making

- Seed cotton; proposed determinations for 1972 loan program ..... 4967

### AGRICULTURE DEPARTMENT

See Agricultural Stabilization and Conservation Service; Commodity Credit Corporation; Commodity Exchange Authority; Consumer and Marketing Service; Packers and Stockyards Administration.

### ATOMIC ENERGY COMMISSION

#### Notices

- Maine Yankee Atomic Power Co.; supplementary notice of hearing on operating license application ..... 4974
- Wisconsin Electric Power Co. and Wisconsin Michigan Power Co.; order regarding reconvening of hearing ..... 4975

### CIVIL AERONAUTICS BOARD

#### Notices

##### Hearings, etc.:

- Air Freight Corp. .... 4977
- Capitol International Airways, Inc. .... 4975
- Golden West Airlines, Inc., and Los Angeles Airways, Inc. .... 4976
- WTC Air Freight ..... 4976

### COAST GUARD

#### Rules and Regulations

- Marine electrical systems; general requirements ..... 4959

### COMMODITY CREDIT CORPORATION

#### Notices

- Sales of certain commodities; monthly sales lists (2 documents) ..... 4970

### COMMODITY EXCHANGE AUTHORITY

#### Notices

- Brokerage commission; minimum rates ..... 4970

### CONSUMER AND MARKETING SERVICE

#### Rules and Regulations

- Irish potatoes grown in designated parts of Idaho and Oregon; shipment limitations ..... 4951
- Milk in Des Moines, Iowa, marketing area; order suspending certain provisions ..... 4951

### FEDERAL AVIATION ADMINISTRATION

#### Rules and Regulations

- Control zone and transition area; alteration; correction ..... 4957
- Jet routes; alteration ..... 4957
- Lycoming Aircraft engines; airworthiness directives (2 documents) ..... 4956
- Transition areas; alterations (2 documents) ..... 4957

### FEDERAL COMMUNICATIONS COMMISSION

#### Rules and Regulations

- Frequency allocation table; correction ..... 4963

#### Notices

- Fairness doctrine and public interest standards; broadcasting policy (2 documents) ..... 4978, 4980

### FEDERAL HOME LOAN BANK BOARD

#### Rules and Regulations

- Branch offices of Federal savings and loan associations; statement of policy change; correction ..... 4956

### FEDERAL MARITIME COMMISSION

#### Notices

- American Operating, Inc.; revocation of independent ocean freight forwarder license ..... 4980
- New York Freight Bureau (Hong Kong); agreement filed ..... 4980

### FEDERAL POWER COMMISSION

#### Notices

- Hearings, etc.:  
Algonquin Gas Transmission Co. .... 4981
- Venable, Robert Allen, et al. .... 4981

### FEDERAL RESERVE SYSTEM

#### Proposed Rule Making

- Credit to contribute capital to brokers and dealers; postponement of effective date ..... 4968

#### Notices

- Acquisitions of banks; applications:  
Centran Bancshares Corp. .... 4982
- Hawkeye Bancorporation ..... 4982
- Jacob Schmidt Co. and American Bancorporation, Inc. .... 4982
- Marshall & Isley Bank Stock Corp. .... 4982

(Continued on next page)



**FEDERAL TRADE COMMISSION****Notices**

Fair Credit Reporting Act; proposed interpretations..... 4982

**FOOD AND DRUG ADMINISTRATION****Rules and Regulations**

Certain semisynthetic penicillins; increase in final concentrations..... 4958

Director and Deputy Director of Bureau of Drugs; delegation of authority regarding official master and working standards for antibiotic drugs..... 4957

Neomycin palmitate—hydrocortisone acetate—trypsin—chymotrypsin ointment; revocation of certification..... 4959

Neomycin sulfate—hydrocortisone acetate suppositories; revocation of certification..... 4958

Sodium ampicillin; certification, packaging, and labeling requirements..... 4958

Sulfadimethoxine; extension of withdrawal period of new animal drugs in oral dosage forms..... 4958

**Proposed Rule Making**

Erythromycin stearate; proposed change in moisture content..... 4967

**HEALTH, EDUCATION, AND WELFARE DEPARTMENT**

See also Food and Drug Administration.

**Notices**

Food and Drug Administration; statement of organization, functions, and delegations of authority..... 4970

**INTERIOR DEPARTMENT**

See Land Management Bureau.

**INTERNAL REVENUE SERVICE****Rules and Regulations**

Income tax; percentage used by foreign life insurance companies for computation of income for 1971 and estimated 1972 taxes..... 4963

**Proposed Rule Making**

Income tax:  
Earned income; 50-percent maximum rate hearing..... 4964  
Stock and stock rights; distributions..... 4964

**INTERSTATE COMMERCE COMMISSION****Proposed Rule Making**

Intercity rail passenger service; extension of time for filing comments regarding adequacy..... 4968

**Notices**

Assignment of hearings..... 4985  
Motor carriers:

Alternate route deviation notices..... 4985

Applications and certain other proceedings..... 4986

Intrastate applications..... 4989

Temporary authority applications (2 documents)..... 4990, 4991

Transfer proceedings (2 documents)..... 4993, 4994

**LAND MANAGEMENT BUREAU****Notices**

California; proposed classification of public lands for disposal by exchange..... 4969

Chief, Branch of Administrative Management, Montana State Office; redelegation of authority regarding procurement..... 4969  
Division Chiefs et al., Montana State Office; delegation of authority regarding requisitioning and procurement..... 4969

**PACKERS AND STOCKYARDS ADMINISTRATION****Rules and Regulations**

Live poultry purchase, sale, or acquisition; instructions on weighing and testing scales..... 4952

**SMALL BUSINESS ADMINISTRATION****Notices**

Central Capital Corp.; surrender of license of small business investment company..... 4984

Disaster loan area declarations: Massachusetts, Maine, and New Hampshire..... 4984  
West Virginia..... 4985

**TARIFF COMMISSION****Notices**

General Instrument Corp.; investigation of workers' petition for determination of eligibility to apply for adjustment assistance..... 4985

**TRANSPORTATION DEPARTMENT**

See Coast Guard; Federal Aviation Administration.

**TREASURY DEPARTMENT**

See Internal Revenue Service.

**List of CFR Parts Affected**

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears following the Notices section of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1972, and specifies how they are affected.

**7 CFR**

945..... 4951  
1079..... 4951

**PROPOSED RULES:**

1427..... 4967

**9 CFR**

201..... 4952

**12 CFR**

556..... 4956

**PROPOSED RULES:**

207..... 4968

220..... 4968

221..... 4968

**14 CFR**

39 (2 documents)..... 4956

71 (3 documents)..... 4957

75..... 4957

**21 CFR**

2..... 4957

135c..... 4958

141..... 4958

146a..... 4958

148..... 4958

148i (2 documents)..... 4958, 4959

**PROPOSED RULES:**

148e..... 4967

**26 CFR**

1..... 4963

**PROPOSED RULES:**

1 (2 documents)..... 4964

**46 CFR**

32..... 4960

110..... 4961

111..... 4961

112..... 4962

113..... 4962

183..... 4962

**47 CFR**

2..... 4963

**49 CFR****PROPOSED RULES:**

1124..... 4968



# Rules and Regulations

## Title 7—AGRICULTURE

### Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Amdt. 1]

#### PART 945—POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO, AND MALHEUR COUNTY, OREG.

##### Limitation of Shipments

**Findings.** (a) Pursuant to Marketing Agreement No. 98 and Order No. 945, both as amended (7 CFR Part 945), regulating the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oreg., effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Idaho-Eastern Oregon Potato Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments hereinafter set forth will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impractical and contrary to the public interest to give preliminary notice or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (2) compliance with this amendment will not require any special preparation on the part of handlers, (3) information regarding the committee's recommendation has been made available to producers and handlers in the production area, and (4) the industry is attempting to correct a serious marketing problem that requires prompt action.

**Statement of consideration.** At a meeting of the Idaho-Eastern Oregon Potato Committee on February 21, 1972, it was unanimously recommended to change the size designation for long potatoes by adding a range for count and average count of potatoes. The present Federal grade standards for potatoes (7 CFR 51.1545), contain no provision for count designation although they provide for designating size according to weight ranges. Under such conditions Idaho and Eastern Oregon shippers currently may market potatoes by numerical size des-

ignations in cartons or other type containers in three ways. First they may pack either by count designation or second by approximate count designation in accordance with the tolerances recognized in the administration of the Perishable Agricultural Commodities Act (7 U.S.C. 499a-499s). The third method is by designating size according to weight ranges as contained in the Federal grade standards and as incorporated under the present marketing order regulations for potatoes grown in certain designated counties in Idaho and Malheur County, Oreg. Packing according to numerical size designation and approximate count designation results in too wide a variation in the size and count of potatoes received by buyers. Much criticism has been received from buyers regarding this wide variation. Therefore, the committee recommended designating a range of count in individual containers and a range of average count in the lot for each count size designation for potatoes packed by count. These count and average count ranges represent the tolerances of 10 percent and 5 percent respectively which are recognized in administering the Perishable Agricultural Commodities Act for count designations when no tolerances for off-count are provided in the U.S. grade standards. The purpose of this change is to increase the uniformity of pack and eliminate the wide variation in count and size under approximate count and numerical size designations. This will offer a product more suitable to trade needs and reduces the possibility of deception in count containers.

**Regulation, as amended.** In § 945.330 (36 F.R. 12894) paragraph (a) (2) (iv) is hereby amended to read as follows:

##### § 945.330 Limitation of shipments.

- (a) \* \* \*
- (2) \* \* \*
- (iv) When containers of long varieties of potatoes are marked with a count, size or similar designation they must meet the weight, count, and average count ranges for the count designation listed below:

	Range		
	Count	Average count <sup>1</sup>	Weight
Larger than 50 count.			
50 count.....	45-55	48-53	12-19
60 count.....	54-66	57-63	10-16
70 count.....	63-77	67-74	9-15
80 count.....	72-88	76-84	8-13
90 count.....	81-99	86-95	7-12
100 count.....	90-110	95-105	6-10
110 count.....	99-121	105-116	5-9
120 count.....	108-132	114-126	4-8
130 count.....	117-143	124-137	4-8
140 count.....	126-154	133-147	4-8
Smaller than 140 count.	10 percent over or under	5 percent over or under	4-8

<sup>1</sup> Applicable to lots.

The following tolerances by weight, are provided for potatoes in any lot which fail to meet the weight range for the designated count:

- (a) Not to exceed 5 percent for under-size; and
- (b) Not to exceed 10 percent for over-size.

Dated March 3, 1972, to become effective March 3, 1972.

PAUL A. NICHOLSON,  
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.72-3492 Filed 3-7-72; 8:49 am]

### Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 79]

#### PART 1079—MILK IN DES MOINES, IOWA, MARKETING AREA

##### Order Suspending Certain Provisions

This suspension order is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Des Moines, Iowa, marketing area.

Notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 3830) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon. None were filed in opposition.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information, it is hereby found and determined that for the months of March through August 1972 the following provisions of the order do not tend to effectuate the declared policy of the Act:

In § 1079.44, all of paragraph (c), and in paragraph (d) the provision "located not more than 150 miles by the shortest highway distance, as determined by the market administrator, from the nearest of the post offices of Corydon, Creston, Des Moines, Grinnell, Jefferson, and Ottumwa."

##### STATEMENT OF CONSIDERATION

This action extends through August 1972 the effect of a suspension for the period September 1971 through February 1972 of the provisions that provide automatic Class I classification of milk transferred or diverted from a pool plant to a nonpool plant located more than 150 miles from the nearest of the six basing points listed above.



In September 1971, a cooperative association began operating a pool supply plant located in Caledonia, Minn., which is more than 150 miles from the nearest basing point. When milk received at the Caledonia plant is not needed at distributing plants it is transferred to a nonpool manufacturing plant, which is also located in Caledonia.

This suspension permits classifying milk so disposed of on the basis of its actual use and, therefore, facilitates economical disposition of reserve milk supplies at the Caledonia pool supply plant to the nearby manufacturing plant for Class II use.

A proposal by cooperatives to delete provisions providing mileage limitations on transfer of milk for Class II use was considered for 33 orders (including this order) at a hearing held in Atlanta, Ga., on October 18-20, 1971; in Dallas, Tex., on November 9-10, 1971; and in Bloomington, Minn., on November 16-18, 1971. There was no opposition to the proposal.

Proponent requested continued suspension of the mileage limit for another 6 months pending completion of amendment procedure based on the hearing.

It is hereby found and determined that 30 days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(a) This suspension is necessary to maintain orderly marketing conditions in the marketing area in that the present provision inhibits economic disposal of reserve milk from a distant supply plant for the Des Moines market because of the Class I classification provided on any milk moved to a nonpool plant located more than 150 miles from the nearest basing point.

(b) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rule making was given interested parties and they were afforded opportunity to file written data, views, or arguments concerning this suspension. None were filed in opposition.

Therefore, good cause exists for making this order effective during the months of March through August 1972.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the months of March through August 1972.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Effective date: March 1, 1972.

Signed at Washington, D.C., on March 2, 1972.

RICHARD E. LYNG,  
Assistant Secretary.

[FR Doc. 72-3468 Filed 3-7-72; 8:46 am]

## Title 9—ANIMALS AND ANIMAL PRODUCTS

### Chapter II—Packers and Stockyards Administration, Department of Agriculture

#### PART 201—REGULATIONS UNDER THE PACKERS AND STOCKYARDS ACT

##### Instructions on Weighing and Testing Scales Used in Purchase, Sale, or Acquisition of Live Poultry

On November 12, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 21683) relating to instructions for weighing live poultry and testing scales used in the purchase, sale, or acquisition of live poultry. All interested parties were afforded an opportunity to submit written data, views, or arguments concerning the proposed instructions by no later than January 11, 1972. No adverse comments, views, or arguments were filed regarding the proposed instructions.

The majority of all live poultry produced under contract or otherwise entering the marketing channel must be weighed for the purpose of arriving at the proceeds due the grower or seller. It is, therefore, important that all weighing facilities used in the marketing of poultry be accurate. This can only be assured through an adequate scale testing program. The testing shall be conducted by a competent agency in accordance with standards acceptable to the Department. It is also important that weighing procedures followed in the actual weighing process assure accurate weights.

The instructions for testing scales used for weighing live poultry conform basically with the requirements for testing and accuracy recommended by the National Bureau of Standards and are consistent with National Bureau of Standards Handbook 44, 4th edition. This publication has been promulgated in whole or in part by 48 States.

The instructions set forth herein differ in a few respects from the provisions in the above-cited notice of rulemaking. The provisions in § 201.106-1(a) are changed, for purposes of clarification, to indicate that the provisions in the National Bureau of Standards Handbook concerning vehicle scales are not being adopted verbatim, but that provisions in the Handbook which correspond with provisions in § 201.106-1 are referred to in the instructions for information purposes only. Section 201.106-2 is changed to describe more fully the outlines and provisions of the National Bureau of Standards Handbook relating to testing of scales other than vehicle scales, which provisions are incorporated by reference in the instructions, and to show where said outlines and provisions will be available for examination and that copies thereof will be furnished, upon request, by the Administrator of the Packers and Stockyards Administration.

The instructions would implement and interpret §§ 201.105, 201.106, 201.107,

201.108, 201.109, and 201.110 of the regulations under the Packers and Stockyards Act, as amended, which require that scales used for weighing live poultry be tested properly and operated by competent weighmasters. It is essential that these instructions be adopted and published promptly in order that the regulations can be implemented as soon as possible. Therefore, under the administrative procedure provision in 5 U.S.C. 553, it is found upon good cause that further notice and other public rule making procedure on the instructions are impracticable and unnecessary, and good cause is found for making them effective less than 30 days after their publication in the FEDERAL REGISTER.

The instructions are set forth below.

#### § 201.106-1 Instructions for testing vehicle scales used for weighing live poultry.

(a) *General.* In the following instructions, citations to corresponding paragraphs of National Bureau of Standards Handbook 44, 4th edition, appear in parenthesis.

(b) *Definitions.* (1) A vehicle scale is one adapted to weighing highway vehicles, loaded or unloaded. (S-D)

(2) A proper test is one which fully discloses the accuracy and other performance characteristics of the scale and all mechanisms and devices attached thereto under all conditions which may prevail during actual use. It includes the application of loads of standard test weights and tests of individual components such as fractional bars, poises, notches, dials, digital indicators, recording elements, unit weights and main levers or sections which independently may affect weighing accuracy; it demands a reasonably exact determination of the errors which develop; finally, it requires the recording in permanent form of all pertinent data developed during the test.

(3) A competent testing agency is one which employs experienced personnel and utilizes a sufficient amount of standard test weights to conduct tests in accordance with the procedure described in the instructions which follow. Agencies which the Administration considers competent on that basis include State and local weights and measures departments and commercial scale repair and service companies having adequate test equipment and employing qualified service personnel.

(4) A suitable interval between tests is a period of approximately 6 months. In instances where tests and inspections disclose that a scale does not maintain its accuracy between tests or is otherwise undependable, or is mechanically deficient as to construction, installation or maintenance, more frequent tests may be required.

(5) Zero-load balance: A correct weight indication or representation of zero when there is no load on the load-receiving element. (S-D)

(6) Sensitivity response or SR: The change in load required to change the position of rest of the indicating element



or elements of a nonautomatic-indicating scale a definite amount at any load.

(7) **Increasing-load test:** The normal basic performance test for a scale in which observations are made as increments of test-weight load are successively added to the load-receiving element of the scale. (S-D)

(8) **Shift test:** A test intended to disclose the weighing performance of a scale under off-center loading. (S-D)

(9) **Decreasing-load test:** A special supplementary test for automatic-indicating scales only, during which the performance of the scale is tested when the load is being reduced. In this test, an observation is made with the test weight load equal to one-half of the maximum applied test load. (S-D)

(10) **Strain-load test:** A test which involves the application of a relatively large load of unknown weight value as a "strain load" and then noting the increase in weight indication resulting from the application of available test-weight load.

(c) **Tests for sensitiveness (SR) for nonautomatic-indicating scale.** The test for sensitiveness shall be conducted on all nonautomatic-indicating scales. SR tests shall be made at zero load and at the maximum test load applied to the scale by either increasing or decreasing the test-weight load on the load-receiving element of the scale. The response of the scale shall be as follows:

(1) **On a scale with a trig loop but without a balance indicator.** The position of rest of the weighbeam shall change from the center of the trig loop to the top or bottom, as the case may be.

(2) **On a scale with a balance indicator.** The position of rest of a single indicator on a vehicle scale shall change at least 0.25 (1/4) inch or the width of the central target area, whichever is greater.

(d) **SR requirements for vehicle scales.** (1) Application: The SR applicable to a scale is the same whether acceptance or maintenance tolerances apply. (SR.1)

(2) The SR on a scale not equipped with a balance indicator shall not exceed the value of two of the minimum graduated intervals on the weighbeam.

(3) The SR on a scale equipped with a balance indicator shall be the value of the minimum graduated interval on the weighbeam.

(e) **Tolerances.** (Applicable with respect to the performance or accuracy of vehicle scales). (G.T.)

(1) **Acceptance tolerances.** Acceptance tolerances shall apply as follows:

(i) To any equipment about to be put into commercial use for the first time.

(ii) To equipment that has been placed in commercial service within the preceding 30 days and is being officially tested for the first time.

(iii) To equipment that has been returned to commercial service following official rejection for failure to conform to performance requirements and is being officially tested for the first time within 30 days after corrective service.

(iv) To equipment that is being officially tested for the first time within 30

days after major reconditioning or overhaul. (1966, G.T.1)

(2) **Maintenance tolerances.** Maintenance tolerances shall apply to equipment in use, except as provided in subparagraph (1) of this paragraph. (G.T.2)

(3) **Tolerance applications—(i) To errors of underregistration and overregistration.** The tolerances hereinafter prescribed shall be applied equally to errors of underregistration and errors of overregistration. (T.1.1)

(ii) **To scales with multiple elements.** Tolerances shall be applied independently to each indicating and recording element of a scale. However, the following requirements pertaining to analog and digital elements shall also apply:

(a) All analog indications within the same element shall not differ from one another and all digital elements shall not differ from one another.

(b) All analog indications and recorded representations shall not differ from digital indications and recorded representations by an amount greater than the value of the minimum graduated interval on the device except the elements shall not differ under a no-load zero balance condition.

(c) All components of the same element used in combination (such as a dial and unit weight) shall not differ by an amount greater than the applicable tolerance at a given test load. (T.1.2)

(iii) **To tests involving digital indications or representations.** To the tolerances that would otherwise be applied there shall be added an amount equal to one-half the minimum value that can be indicated or recorded. (T.1.3)

(iv) **To increasing-load tests.** Basic tolerances shall be applied. (T.1.5)

(v) **To shift tests.** Basic tolerances shall be applied. (T.1.4)

(vi) **To decreasing-load tests on automatic-indicating scales.** One and one-half (1.5) times basic tolerances shall be applied. (T.1.6)

(4) **Minimum tolerance values.** (The smallest tolerance that may be applied to a scale.) The minimum maintenance and acceptance tolerance applied to a vehicle scale shall be not smaller than one-half the value of the minimum graduated interval. (T.2)

(5) **Basic tolerance values.** (i) Application: Basic tolerance values shall be applied to weighbeam, reading face, and unit-weight indications and to recorded representations. (T.1)

(ii) The basic maintenance tolerance on vehicle scales shall be 2 pounds per 1,000 pounds of test load (0.2 percent). The acceptance tolerance shall be one-half the basic maintenance tolerance (0.1 percent). (T.3.5)

(f) **Suitability of equipment.** (1) Commercial equipment shall be suitable for the service in which it is used with respect to elements of its design, including, but not limited to, its weighing capacity, the character, number, size, and location of its indicating or recording elements and the value of its minimum graduated interval. (G.UR.1.1)

(2) For vehicle scales: Vehicle scales shall be equipped with a type-registering

weighbeam, a dial with a mechanical ticket printer, or similar device, such as a digital indicator with a printer, which shall be used for printing or stamping weight values on scale tickets. Automatic-indicating scales equipped with recording elements shall be designed to indicate and record weight values to the nearest minimum graduated interval.

(3) Value of minimum graduated intervals on primary indicating and recording elements: The value of the minimum graduated interval on vehicle scales shall be not greater than 20 pounds. (UR 1.1.6)

(4) **Installation requirements:**

(i) **General.** A device shall be installed in accordance with the manufacturer's instructions, including any instructions marked on the device. A vehicle scale shall be so installed that neither its operation nor its performance will be adversely affected by any characteristic of the foundation, supports, or any other detail of the installation. (G.UR.2.1)

(ii) **Protection against wind and weather effects.** The indicating elements, the lever system or load cells, and the under side of the load-receiving element of a vehicle scale shall be adequately protected against wind and weather effects. (UR.2.3)

(iii) **Foundation, supports, and clearance.** The foundation and supports of any vehicle scale shall be such as to provide strength, rigidity, and permanence of all components, and clearance shall be provided around all live parts to the extent that no contacts may result when the load-receiving element is empty and throughout the weighing range of the scale. (UR.2.4)

(iv) **Access to pit.** Adequate provision shall be made for ready access to the pit of a vehicle scale for purposes of inspection and maintenance. (UR.2.5)

(5) **Maintenance requirements:**

(i) **Maintenance of equipment.** All equipment in commercial service and all mechanisms and devices attached thereto or used in connection therewith shall continuously be maintained in proper operating condition throughout the period of such service. (G.UR.4.1)

(ii) **Use of adjustments.** Weighing elements that are adjustable shall be adjusted only to correct those conditions that such elements are designed to control and shall not be adjusted to compensate for defective or abnormal installation or accessories or for badly worn, or otherwise defective parts, of the assembly. Any faulty installation conditions shall be corrected, and any defective parts shall be renewed or suitably repaired, before adjustments are undertaken. Whenever equipment is adjusted, the adjustment shall be so made as to bring performance errors as close as practicable to zero value. (G.UR.4.2)

(iii) **Balance condition.** A scale shall be maintained in zero-load balance.

(iv) **Method of operation.** Equipment shall be operated only in the manner that is obviously indicated by its construction or that is indicated by instructions on the equipment. (G.UR.3.1)

(g) **Official inspection and test procedures for vehicle scales.** Vehicle scales



shall be inspected and tested in accordance with the following procedures or such other procedures as may be approved by the Administrator in specific instances.

(1) *Inspection procedure.* Before the actual test of a vehicle scale is begun, a thorough visual inspection is to be made of the scale installation. Adequate clearance must be maintained between the deck of the scale and the pit wall. The weighbeam shelf pillars and/or dial cabinet must be firmly anchored to a solid foundation. The scale platform shall be cleaned of debris and foreign matter which might adhere to the test weights or otherwise be removed during the test causing a change in the zero-load balance. No other change or cleaning may be performed since it is important for the scale to be tested "as found" if the results are to truly indicate characteristic weighing performance.

(2) *Test procedure—weighbeam scales.* (i) *Error determination.* The most precise method of determining the errors during the test of a vehicle scale equipped with a weighbeam is known as the error-weight procedure. This method is explained in the following paragraphs.

(ii) *Zero-load balance.* With all poises at zero, accurately balance the scale at zero with at least 50 pounds of small denomination weights on the platform. These error weights will be used to accurately measure errors and balance changes during the test.

(iii) *The SR (sensitivity response).* The SR value at zero load shall be determined by increasing or decreasing the amount of error weights on the platform until the appropriate change in the rest point of the weighbeam or balance indicator is obtained. On scales equipped with balance indicators a change in load equal to the minimum weighbeam graduation shall change the position of rest of the balance indicator 0.25 ( $\frac{1}{4}$ ) inch or the width of the central target area, whichever is greater. On scales not equipped with a balance indicator a change in load not to exceed the value of two minimum weighbeam graduations shall move the weighbeam from a position of rest in the center of the trig loop to a position of rest either at the top or bottom of the trig loop.

(iv) *Increasing-load test.* (a) *Shift or section test:* A minimum of 10,000 pounds of standard test weights shall be used in conducting this test. An increasing-load test should be made with not less than two different test loads centered successively over each section of the lever system. At each test load applied increase or decrease the amount of error weights as required to produce a correct balance of the weighbeam or balance indicator. Any difference between the value of the error weights at zero load and at any given test load will represent the error at that particular test load. During this test, check the printed weight values for accuracy and legibility by operating the weight-recording device at representative loads. The fractional bar may also be tested at this time by comparison with the main bar or by a separate test of the

fractional bar if sufficient small denomination test weights are available. After the sections have been tested, remove the test weights and check the zero-load balance carefully to determine the amount of balance change, if any. Any shift in the zero-load balance must be recorded. A new zero-load balance is then obtained by increasing or decreasing the amount of error weights or by using the balance ball.

(b) *Strain-load test:* Next, the empty test truck is weighed with the rear axles centered successively as nearly as possible on each section of the scale and the weight value determined by the use of error weights and recorded for each section. The test weights are then loaded on the truck and the weight of the loaded truck determined on each section and recorded. In evaluating the strain-load test, any difference in the weight of the loaded truck and the weight of the empty truck, plus the test weights, is the amount of error. The appropriate tolerance is applied only to the amount of standard test weights used.

(c) *The SR (sensitivity response) value at the full test load must now be determined as described in subdivision (iii) of this subparagraph.*

(d) *The truck is then removed from the scale and any zero-load balance shift determined by utilizing the error weights.*

(e) *Remove error weights and rebalance scale at zero load.*

(3) *Test procedure—automatic-indicating scales.* (The testing procedure for automatic-indicating or dial scales corresponds basically to the procedure for testing weighbeam scales.)

(i) *Method of determining errors.* The use of error weights is also recommended when testing automatic-indicating scales. These error weights are used on scales equipped with automatic-weight recorders that will not print at dial capacity, or if overregistration is indicated at chart capacity without the application of a unit weight. This is also applicable on scales which are underregistering at zero when a unit weight is applied and when checking the zero-load balance. On all other weight determination made during the test, error weights are not removed or added since the actual printed weight determines the error.

(ii) *Section and strain-load test.* An increasing-load test and a strain-load test must be made with the test weights applied over each section of the scale as required in the test procedure for weighbeam scales.

(iii) *Dial and unit-weight test.* If sufficient test weights are available, automatic-indicating scales shall be tested at least at the four points representing each quarter of the reading face, and all unit weights normally used. This procedure has particular merit since it helps to determine if the errors developed during the test are in the dial, unit weight, or lever system.

(iv) *Zero-load balance.* After making the strain-load test, remove the truck from the scale platform and recheck the zero-load balance. Any balance shift at zero must be recorded. The error weights

used to ascertain errors in the scale during the test are then removed and the scale restored to a correct zero-load balance.

(4) *Alternate test procedure—weighbeam and automatic-indicating scales.* Another accepted test procedure, which is approved by the Packers and Stockyards Administration, consists of conducting the increasing-load test by concentrating the known test load, within prescribed load limits, over each main load bearing of the scale. This procedure has considerable merit on scales having a nominal capacity greater than the total test load. The available test load is used to the greatest advantage by concentrating it over the main load bearings of the vehicle scale.

(5) *Test procedure—dual weighing installations.* Dual weighing systems usually consist of a weighbeam and dial connected to a single lever system and installed to function independently of each other. These installations are to be tested by observing and recording separately the performance of each unit. Such tests may be conducted and recorded simultaneously. Each unit is allowed appropriate tolerances, independently.

(h) *Record of test results.* (1) The results of each test must be recorded in full detail on official Form No. P&SA-216 provided by the Administration. (An exception may be made by the Administrator in the case of a State, county, or municipal agency which utilizes forms supplying substantially the same information as is provided for on the official Administration form.) Essential information to be recorded includes:

(i) Identification of the scale by ownership, location, and address of the poultry processor or dealer using the scale, if different from the scale owner.

(ii) Identification and address of the scale testing agency and the signature of the local Administration representative present during the test.

(iii) Identification of the scale manufacturer, scale capacity, kind of weighbeam or other indicating elements, serial number, and the value of the minimum graduation on the weighbeam or indicating unit.

(iv) The identification of the balance indicator manufacturer, size of the scale platform, balance condition on arrival, the type of levers and pit depth.

(v) The date of the present test, date of the preceding test, and the year the scale was installed.

(vi) Data showing the SR at zero and capacity loads.

(vii) The test-load position, amount of test load applied and errors indicated or printed when conducting an increasing-load test.

(viii) The weight and position of the empty test truck, amount of test weights added, indicated weight of test truck and weights on each scale section and the error on the test weights added when conducting a strain-load test.

(2) At the conclusion of the test, the scale must be inspected thoroughly and



any faulty condition of installation, construction, or maintenance which may affect the weighing performance recorded on the test report. There shall also be included on the report a record of any adjustments or repairs made at the time of test and of any recommendations made for future repairs, maintenance, or replacements.

(3) The test results and other observations are to be recorded on the report under the proper headings as the test proceeds and immediately after observations are made. An original and at least two carbon copies of the report should be prepared. A copy of the test report must be forwarded to the area supervisor of the Packers and Stockyards Administration. One copy is for the scale owner, and one is for the scale testing agency.

**§ 201.106-2 Instructions for testing scales other than vehicle scales used for weighing live poultry.**

Scales other than vehicle scales used to weigh live poultry shall be inspected and tested in accordance with the examination procedure outlines, EPO Nos. 7 and 8, relating to provisions of the General Code and Scale Code of National Bureau of Standards Handbook 44, 4th edition,<sup>1</sup> which provisions are hereby incorporated herein by reference, or such other procedures as may be approved by the Administrator in specific instances.

**§ 201.108-1 Instructions for weighing live poultry.**

Packers, live poultry dealers and handlers who operate scales on which live poultry is weighed for purposes of purchase, sale, acquisition, or settlement shall supply copies of the instructions in this section to all persons who perform weighing operations for them and direct such persons to familiarize themselves with the instructions and to comply with them at all times. This section shall also apply to any additional weighers who are employed at any time. The following instructions shall be applicable to the weighing of live poultry on all scales except paragraph (c)(1) of this section which is only applicable to the weighing of live poultry on vehicle scales.

(a) *Balancing the empty scale.* (1) The scale shall be maintained in zero balance at all times. The empty scale shall be balanced each day before weighing begins and thereafter its zero balance shall be verified before any poultry is weighed. In addition, the zero balance of the scale shall be verified whenever a weigher resumes weighing duties after an absence from the scale.

(2) Before balancing the empty scale, the weigher shall notify parties outside the scale house of his intention and shall assure himself that no persons or vehicles are in contact with the platform.

<sup>1</sup> A copy of the outlines and the General Code and Scale Code of the National Bureau of Standards Handbook will be available for examination during ordinary business hours at the offices of the Packers and Stockyards Administration, and copies of said outlines and codes will be furnished, upon request, by the Administrator.

When the empty scale is balanced and ready for weighing, he shall so indicate by appropriate signal.

(3) Weighbeam scales shall be balanced by first seating each poise securely in its zero notch and then moving the balance ball to such position that a correct zero balance is obtained. A scale equipped with a balance indicator is correctly balanced when the indicator comes to rest in the center of the target area. A scale not equipped with a balance indicator is correctly balanced if the weighbeam, when released at the top or bottom of the trig loop, swings freely in the trig loop in such manner that it will come to rest at the center of the trig loop.

(4) Dial scales shall be balanced by releasing all drop weights and operating the balance ball or other balancing device to obtain a correct zero balance. The indicator must visibly indicate zero on the dial reading face and the ticket printer must record a correct zero balance. "Balance tickets" shall be filed with other scale tickets issued on that date.

(5) A balance ball or other balancing device shall be operated only when balancing the empty scale and shall not be operated at any other time or for any other purpose.

(6) The time at which the empty scale is balanced or its zero balance verified shall be marked on scale tickets or other permanent records.

(b) *Sensitivity control.* (1) A scale must be sensitive in response to platform loading if it is to yield accurate weights. It, therefore, is the duty of a weigher to assure himself that interferences, weighbeam friction, or other factors do not impair sensitivity. He shall satisfy himself, at least twice each day, that the scale is sufficiently sensitive, and, if the following requirements are not met, he must report the facts to his superior or employer immediately.

(2) A weighbeam scale with a balance indicator is sufficiently sensitive if, when the scale is balanced with the indicator at the center of the target, movement of the fractional poise one graduation will change the indicator rest point ( $\frac{1}{4}$  inch (0.25) or the width of the central target area, whichever is greater.

(3) A weighbeam scale without a balance indicator is sufficiently sensitive if, when the scale is balanced with the weighbeam at the center of the trig loop, movement of the fractional poise two graduations will cause the weighbeam to come to rest at the bottom of the trig loop.

(4) Adjustable damping devices are incorporated in balance indicators and in dial scales to absorb the effects of load impact and to bring the indicator to rest. The weigher must be familiar with the location and adjustment of these damping devices and keep them so adjusted that when the indicator is displaced from a position of rest, it will oscillate freely through at least one complete cycle of movement before coming to rest at its original position.

(5) Friction at weighbeam bearings may reduce the sensitiveness of the scale, cause sluggish weighbeam action and affect weighing accuracy. A weigher

must inspect the weighbeam assembly daily to make certain that there is clearance between the weighbeam and the pivot bearings.

(6) Interferences or binding of the scale platform, or other "live" parts of the scale, are common causes of weighing inaccuracy. A weigher shall satisfy himself, at the beginning of each weighing period, that all such "live" parts have sufficient clearance to prevent interference.

(c) *Weighing the load.* (1) Vehicle scales used to weigh live poultry shall be of sufficient length and capacity to weigh an entire vehicle as a unit: *Provided*, That a trailer may be uncoupled from a tractor and weighed as a single unit. Before weighing a vehicle, either coupled or uncoupled, the weigher shall assure himself that the entire vehicle is on the scale platform and that no persons are on the scale platform.

(i) On a weighbeam scale with a balance indicator the weight of a vehicle shall be determined by moving the poises to such positions that the indicator will come to rest within the central target area.

(ii) On a weighbeam scale without a balance indicator the weight shall be determined by moving the poises to such positions that the weighbeam, when released from the top or bottom of the trig loop, will swing freely in the trig loop and come to rest at the approximate center of the trig loop.

(iii) On a dial scale the weight of a vehicle is indicated automatically when the indicator revolves around the dial face and comes to rest.

(2) The correct weight is the value in pounds indicated by a weighbeam or dial when correct load balance is obtained. In any case the weigher should concentrate his attention upon the beam tip, balance indicator or dial indicator while weighing and not concern himself with reading the visible weight indications until correct load balance is obtained.

(d) *Recording the weight.* (1) The gross or tare weight shall be recorded immediately after the load balance is obtained and before any poises are moved or load removed from the scale platform. The weigher shall make certain that the printed weight record agrees with the weight value visibly indicated on the weighbeam or dial when correct load balance is obtained. He shall also assure himself that the printed weight value is sufficiently distinct and legible.

(2) The weight printing device on a scale shall be operated only to produce a printed or impressed record of weight while the load is on the scale and correctly balanced. If the weight is not printed clearly and correctly, the ticket shall be marked void and a new one printed before the load is removed from the scale.

(e) *Weigher's responsibilities.* (1) The primary responsibility of a weigher is to determine and record the true weight of live poultry without prejudice or favor to any person or agency and without regard for poultry ownership, price, condition, shrink, or other considerations. A



weigher shall not permit the representations or attitudes of any persons or agencies to influence his judgment or action in performing his duties.

(2) Unused scale tickets or those which are partially executed shall not be left exposed or accessible to other parties. All such tickets shall be kept under lock when the weigher is not at his duty station.

(3) Accurate weighing and weight recording require that a weigher shall not permit his operations to be hurried to the extent that inaccurate weights or incorrect weight records may result. The gross, tare and net weights must be determined accurately to the nearest minimum graduation. Manual operations connected with balancing, weighing, and recording shall be performed with the care necessary to prevent damage to the accurately machined and adjusted parts of weighbeams, poises, and printing devices. Rough handling of these parts shall be avoided.

(4) Poultry growers, sellers, packers, dealers, and handlers, or others having legitimate interest in a load of poultry are entitled to observe the balancing, weighing, and recording procedures. A weigher shall not deny that right or withhold from them any information pertaining to the weight. He shall check the zero balance of the scale or reweigh a load of poultry when requested by such parties or duly authorized representatives of the Administrator.

(f) *General precautions.* (1) The poises of weighbeam scales are carefully adjusted and sealed to a definite weight at the factory and any change in that weight seriously affects weighing accuracy. A weigher, therefore, shall observe if poise parts are broken, loose or lost or if material is added to a poise and shall report any such condition to his superior or employer. Balancing or weighing shall not be performed while a scale ticket is in the slot of a weighbeam poise.

(2) Stops are provided on scale weighbeams to prevent movement of poises back of the zero graduation when balancing or weighing. When the stops become worn or broken and allow a poise to be set behind the zero position, this condition must be reported by the weigher to his superior or employer and corrected without delay.

(3) Foreign objects or loose material in the form of nuts, bolts, washers, or other material on any part of the weighbeam assembly, including the counter-balance hanger or counter-balance weights, are potential sources of weighing error. Loose balancing material must be enclosed in the shot cup of the counter-balance hanger and counter-balance weights must not be of the slotted type which can readily be removed.

(4) Whenever, for any reason, a weigher has reason to believe that a scale is not functioning properly or not yielding correct weight values, he shall discontinue weighing, report the facts to the parties responsible for scale maintenance and request inspection, test or repair of the scale.

(5) When a scale has been adjusted, modified, or repaired in any manner which can affect the accuracy of weighing or weight recording, the weigher shall not use the scale until it has been tested and inspected and found to be accurate.

(Sec. 402, 42 Stat. 168, as amended, 7 U.S.C. 222; sec. 407(a), 42 Stat. 169, as amended, 7 U.S.C. 228(a); 29 F.R. 16210, as amended, 32 F.R. 7186, 35 F.R. 18262)

NOTE: The following documents are filed as part of the original: National Bureau of Standards Handbook 44—4th Edition, "Specifications, Tolerances, and Other Requirements for Commercial Weighing and Measuring Devices—Scales"; EPO No. 7, "Examination Outline Procedure for Beam Scales—Unequal Arm"; and EPO No. 8, "Examination Outline Procedure for Automatic-Indicating Scales—Unequal Arm".

The foregoing instructions shall become effective on March 15, 1972.

NOTE: The reporting and recordkeeping requirements of the instructions have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D.C., this 3d day of March 1972.

ODIN LANGEN,  
Administrator, Packers and  
Stockyards Administration.

NOTE: Incorporation by reference provisions in §§ 201.106-1, 201.106-2, and 201.108-1 approved by Director of the Federal Register on March 7, 1972.

[FR Doc.72-3488 Filed 3-7-72;8:51 am]

## Title 12—BANKS AND BANKING

### Chapter V—Federal Home Loan Bank Board

#### SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[72-182]

#### PART 556—STATEMENTS OF POLICY

##### Board's Policy Regarding Branch Offices of Federal Savings and Loan Associations

###### Correction

In F.R. Doc. 72-2821 appearing at page 3987 in the issue for Friday, February 25, 1972, in § 556.5(b) (3), line 23, the word "is" should read "in".

## Title 14—AERONAUTICS AND SPACE

### Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 72-EA-13, Amdt. 39-1402]

#### PART 39—AIRWORTHINESS DIRECTIVES

##### Lycoming Aircraft Engines

The Federal Aviation Administration is amending § 39.13 of the Federal Aviation regulations so as to amend AD 71-5-2 applicable to Lycoming IO-360-A

type aircraft engines. The purpose of this amendment is to clarify the applicability statement by demonstrating that it applies to both IO-360-A series and -C series engines.

Since the amendment is clarifying in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697), § 39.13 of the Federal Aviation regulations is amended so as to amend AD 71-5-2 to insert the words "series and" in the applicability statement after the letter "A" and before the following "-C".

This amendment is effective March 14, 1972.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on February 29, 1972.

ROBERT H. STANTON,  
Acting Director, Eastern Region.

[FR Doc.72-3462 Filed 3-7-72;8:46 am]

[Docket No. 72-EA-16, Amdt. 39-1403]

#### PART 39—AIRWORTHINESS DIRECTIVES

##### Lycoming Aircraft Engines

The Federal Aviation Administration is amending § 39.13 of the Federal Aviation regulations so as to amend AD 71-11-2 applicable to Lycoming IO-360-A and -C type aircraft engines. The purpose of AD 71-11-2 was to correct a valve failure problem by the replacement of both exhaust and intake hydraulic tappet plunger assemblies. Further, the kit which has been provided by the manufacturer contains the parts needed for such replacement. However, due to the wording of the AD some owners have only replaced the exhaust assemblies. Therefore, this amendment will clarify the subject airworthiness directive.

Because of the air safety implications by the failure of the valves of the subject engine, notice and public procedure hereon are impractical and just cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697), § 39.13 of the Federal Aviation regulations is amended so as to amend AD 71-11-2 as follows:

1. In the sentence immediately following the compliance paragraph delete the word "exhaust" and insert after the word "replace" the words "the intake" and "exhaust".

This amendment is effective March 14, 1972.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))



Issued in Jamaica, N.Y., on February 29, 1972.

ROBERT H. STANTON,  
Acting Director, Eastern Region.

[FR Doc.72-3463 Filed 3-7-72;8:46 am]

[Airspace Docket No. 71-AL-16]

# PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

## Alteration of Control Zone and Transition Area

### Correction

In F.R. Doc. 72-2851, appearing at page 4074, in the issue of Saturday, February 26, 1972, the following changes should be made:

1. In paragraph 1, the figure "62°75'15'" in the second line of the description should read "62°57'15'".

2. In paragraph 1, the figure "18" in the ninth line of the description should read "13".

[Airspace Docket No. 71-NW-22]

# PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

## Alteration of Transition Area

On February 15, 1972, F.R. Doc. 72-2205 was published in the FEDERAL REGISTER (37 F.R. 3349) which amended § 71.181 (37 F.R. 2143).

In the amendment contained in F.R. Doc. 72-2205, reference was made to the date of the publication of the notice of proposed rule making as December 12, 1971, when it should have read December 21, 1971. In addition, the amendment was intended to be added to the present description of the transition area. This amendment makes this clear.

Since these changes are editorial in nature and no substantive change in the regulation is affected, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, F.R. Doc. 72-2205 (37 F.R. 3349) is amended to recite the date of publication of the NPRM as December 21, 1971, and to insert "to add the following:" in place of "as follows:" in the preface.

**Effective date.** Effective date originally established, 0901 G.m.t., March 30, 1972, may be maintained.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Seattle, Wash., on February 29, 1972.

J. H. TANNER,  
Acting Director, Northwest Region.

[FR Doc.72-3464 Filed 3-7-72;8:46 am]

[Airspace Docket No. 71-NW-23]

# PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

## Alteration of Transition Area; Correction

In F.R. Doc. 71-18279 (36 F.R. 23829) issued December 15, 1971, concerning an amendment to the description of the Boise, Idaho, transition area, reference is made to " \* \* \* southwest edge of V-283 \* \* \*." A review of the description of the transition area reveals that the reference is in error. This action will correct this error.

Since this correction is editorial in nature and no substantive change in the regulation is effected, notice and public procedure are unnecessary, and good cause exists for making these amendments effective on less than 30 days' notice.

In consideration of the foregoing, F.R. Doc. 71-18279 is changed by deleting "V-283" and inserting "V-293" therefor.

**Effective date.** Effective date originally established, 0901 G.m.t. April 27, 1972, may be maintained.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Seattle, Wash., on February 29, 1972.

C. B. WALK, Jr.,  
Director, Northwest Region.

[FR Doc.72-3465 Filed 3-7-72;8:46 am]

[Airspace Docket No. 71-SW-5]

# PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

## Alteration of Jet Routes

On October 15, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 20051) stating that the Federal Aviation Administration was considering alterations to segments of Jet Routes Nos. 2, 4, 50, and 104.

Interested persons were afforded an opportunity to participate in the proposed rule making through submission of comments. All comments received were favorable.

Subsequent to the publication of the notice, it was determined that the alignment of J-50 segment between Wink, Tex., and El Paso, Tex., via the Wink 266° T (255° M) radial in lieu of the Wink 264° T (253° M) radial as proposed would provide for better transitional procedures in the movement of high altitude en route traffic. Accordingly, action is taken herein to effect this minor radial change.

Since this amendment is minor in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 75 of the Federal Aviation regulations is amended, effective 0901 G.m.t., May 25, 1972, as hereinafter set forth.

Section 75.100 (37 F.R. 2382) is amended as follows:

a. In Jet Route No. 2 text "San Simon, Ariz.;" is deleted and "Cochise, Ariz.;" is substituted therefor.

b. In Jet Route No. 4 text all between "Blythe;" and "Wink, Tex.;" is deleted and "INT Blythe 096° and Casa Grande, Ariz., 294° radials; Casa Grande; San Simon, Ariz.; Newman, Tex.;" is substituted therefor.

c. In Jet Route No. 50 caption "El Paso, Tex.;" is deleted and "San Simon, Ariz.;" is substituted therefor, and in the text all before "Abilene, Tex.;" is deleted and "From San Simon, Ariz., via INT San Simon 105° and El Paso, Tex., 275° radials; El Paso; INT El Paso 093° and Wink, Tex., 266° radials; Wink;" is substituted therefor.

d. In Jet Route No. 104 caption "Gila Bend, Ariz.;" is deleted and "Blythe, Calif.;" is substituted therefor; and in the text all before "Tucson, Ariz.;" is deleted and "From Blythe, Calif., via INT Blythe 096° and Gila Bend, Ariz., 299° radials; Gila Bend;" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 1, 1972.

H. B. HELSTROM,  
Chief, Airspace and Air  
Traffic Rules Division.

[FR Doc.72-3466 Filed 3-7-72;8:46 am]

# Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

## SUBCHAPTER A—GENERAL

# PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

## Subpart H—Delegations of Authority

AUTHORITY TO DESIGNATE OFFICIAL MASTER AND WORKING STANDARDS FOR ANTIBIOTIC DRUGS

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), Part 2 is amended to update delegations of authority regarding designation of official master and working standards for antibiotic drugs.

Accordingly, § 2.121 is amended by revising paragraph (n) as follows:

§ 2.121 Redelegations of authority from the Commissioner to other officers of the Administration.

(n) Delegation regarding designation of official master and working standards for antibiotic drugs. The Director and Deputy Director of the Bureau of Drugs, the Director of the Office of Pharmaceutical Research and Testing of that



Bureau, and the Director of the National Center for Antibiotic Analysis of that Office and Bureau are authorized to designate official Food and Drug Administration master and working standards for antibiotic drugs under § 145.3 of this chapter.

(Sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a))

**Effective date.** This order shall be effective upon publication in the FEDERAL REGISTER (3-8-72).

Dated: February 25, 1972.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc.72-3453 Filed 3-7-72;8:45 am]

#### SUBCHAPTER C—DRUGS

### PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

#### Sulfadimethoxine

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (31-715V) filed by Hoffmann-La Roche, Inc., Nutley, N.J. 07110, providing for an increase in the milk withdrawal period following administration of sulfadimethoxine boluses to milk-producing cows from 48 hours to 60 hours. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), § 135c.13 is amended in paragraph (e) by revising item 1 in table 2 in the "Limitations" column by deleting the words "48 hours (4 milkings)" and substituting therefor the words "60 hours (5 milkings)".

**Effective date.** This order shall be effective upon publication in the FEDERAL REGISTER (3-8-72).

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: March 1, 1972.

C. D. VAN HOUWELING,  
Director,  
Bureau of Veterinary Medicine.

[FR Doc.72-3455 Filed 3-7-72;8:48 am]

### PART 141—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTI- BIOTIC-CONTAINING DRUGS

#### Increase in Final Concentrations in Certain Semisynthetic Penicillins

No adverse comments were received in response to the notice published in the FEDERAL REGISTER of December 8, 1971 (36 F.R. 23312), proposing that the tables in § 141.506(b) (1) and (2) be amended to increase the final concentrations of the semisynthetic penicillins, except nafcillin, in the iodometric assay. Accordingly, the Commissioner of Food and Drugs concludes that the proposal should be adopted.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner (21 CFR 2.120), § 141.506 is amended as follows:

#### § 141.506 Iodometric assay.

(b) * * *			
(1) * * *			
Antibiotic	Initial solvent	Diluent (solution number as listed in § 141.102(a))	Final concentration in units or milligrams of activity per milliliter of standard solution
Ampicillin.....	***	***	1.25 milligrams.
Cloxacillin.....	***	***	1.25 milligrams.
Dicloxacillin.....	***	***	Do.
Methicillin.....	***	***	Do.
Oxacillin.....	***	***	1.25 milligrams.
(2) * * *			
Antibiotic	Initial solvent	Diluent (solution as listed in § 141.102(a))	Final concentration in units or milligrams of activity per milliliter of sample
Ampicillin.....	***	***	1.25 milligrams.
Ampicillin trihydrate.....	***	***	Do.
Buffered sodium methicillin.....	***	***	1.25 milligrams.
Sodium ampicillin.....	***	***	1.25 milligrams.
Sodium cloxacillin monohydrate.....	***	***	Do.
Sodium dicloxacillin monohydrate.....	***	***	Do.
Sodium methicillin.....	***	***	Do.
Sodium nafcillin monohydrate.....	***	***	1.25 milligrams.
Sodium oxacillin.....	***	***	Do.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

**Effective date.** This order shall become effective 30 days after its date of FEDERAL REGISTER publication.

Dated: February 28, 1972.

H. E. SIMMONS,  
Director, Bureau of Drugs.

[FR Doc.72-3456 Filed 3-7-72;8:48 am]

### PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

### PART 148—ANTIBIOTIC DRUGS: PACKAGING AND LABELING REQUIREMENTS

#### Sodium Ampicillin

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 507,

512(n), 59 Stat. 463, as amended, 82 Stat. 350; 21 U.S.C. 357, 360b(n)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), Parts 146a and 148 are amended as follows:

#### § 146a.119 [Amended]

1. In Part 146a by deleting the last sentence of paragraph (b) in § 146a.119 Sodium ampicillin.

2. In Part 148 by revising the introductory text of § 148.2 Packaging requirements to read as follows:

#### § 148.2 Packaging requirements.

Each antibiotic drug subject to certification under section 507 or 512(n) of the act shall be packaged in immediate containers which shall be of such composition as not to cause any change in the strength, quality, or purity of the contents beyond any limits therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. The immediate containers shall be tight containers as defined by the U.S.P., except that if the antibiotic drug is dispensed as an ointment or cream, the immediate containers shall be well-closed containers as defined by the U.S.P. If the antibiotic drug is packaged for dispensing, it may be packaged in combination with a container of a suitable and harmless diluent approved by the Commissioner.

Since these amendments do not change restrictions for the subject drugs, notice and public procedure and delayed effective date are not prerequisites to their promulgation.

**Effective date.** This order shall be effective upon publication in the FEDERAL REGISTER (3-8-72).

(Secs. 507, 512(n), 59 Stat. 463, as amended, 82 Stat. 350; 21 U.S.C. 357, 360b(n))

Dated: February 27, 1972.

H. E. SIMMONS,  
Director, Bureau of Drugs.

[FR Doc.72-3457 Filed 3-7-72;8:48 am]

[DESI 11103]

### PART 148i—NEOMYCIN SULFATE Neomycin Sulfate—Hydrocortisone Acetate Suppositories; Revocation

In a notice (DESI 11103) published in the FEDERAL REGISTER of February 26, 1971 (36 F.R. 3535), the Commissioner of Food and Drugs announced his conclusions pursuant to evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on Protef Rectal Suppositories containing neomycin sulfate and hydrocortisone acetate; the Upjohn Co., 7171 Portage Road, Kalamazoo, Mich. 49001 (NDA 11-103). The notice stated that this drug was regarded as possibly effective for certain of its labeled indications and lacking



substantial evidence of effectiveness for the others. The possibly effective indications have been reclassified as lacking substantial evidence of effectiveness in that such evidence has not been submitted pursuant to the notice of February 26, 1971.

Accordingly, the Commissioner concludes that the antibiotic drug regulations should be amended to revoke provisions for certification of such drug.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050-51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner (21 CFR 2.120), Part 148i is amended by revoking § 148i.12 *Neomycin sulfate—hydrocortisone acetate suppositories*.

Any person who will be adversely affected by the removal of this drug from the market may file objections to this order and request a hearing, showing reasonable grounds for the hearing. The statement of reasonable grounds and request for a hearing shall be submitted in writing within 30 days after publication hereof in the FEDERAL REGISTER, shall state the reasons why the antibiotic drug regulations should not be so amended, and shall include a well organized and full factual analysis of the clinical and other investigational data the objector is prepared to prove in support of his objections.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing. When it clearly appears from the data incorporated into or referred to by the objections and from the factual analysis in the request for a hearing that no genuine issue of fact precludes the action taken by this order, the Commissioner will enter an order on these data, making findings and conclusions on such data.

If a hearing is requested and justified by the objections, the issues will be defined and a hearing examiner named to conduct the hearing. The provisions of Subpart F of 21 CFR Part 2 shall apply to such hearing, except as modified by 21 CFR 146.1(f), and to judicial review in accord with section 701 (f) and (g) of the Federal Food, Drug, and Cosmetic Act (35 F.R. 7250; May 8, 1970).

Objections and requests for a hearing should be filed (preferably in quintuplicate) with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852. Received objections and requests for a hearing may be seen in the above office during regular business hours, Monday through Friday.

**Effective date.** This order shall become effective 40 days after its date of publication in the FEDERAL REGISTER. If objections are filed, the effective date will be extended for ruling thereon. In so ruling, the Commissioner will specify another effective date.

(Secs. 502, 507, 52 Stat. 1050-51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 353, 357)

Dated: February 25, 1972.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc.72-3458 Filed 3-7-72; 8:48 am]

[DESI 50015]

## PART 148i—NEOMYCIN SULFATE

### Neomycin Palmitate—Hydrocortisone Acetate - Trypsin - Chymotrypsin Ointment; Revocation

In a notice (DESI 50015) published in the FEDERAL REGISTER of October 15, 1970 (35 F.R. 16203), the Commissioner of Food and Drugs announced his conclusions pursuant to evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group on Biozyme-HC Ointment containing neomycin palmitate, hydrocortisone acetate, and trypsin-chymotrypsin concentrate; Armour Pharmaceutical Co., Division, Armour and Co., 401 Wabash Avenue, Post Office Box 1022, Chicago, Ill. 60690 (NDA 50-015). The notice stated that the drug was regarded as possibly effective for the various labeled indications. On April 15, 1971, Armour Pharmaceutical Co., submitted clinical data in behalf of the drug. This data was reviewed and found to be inadequate to establish effectiveness. Therefore, the drug has been reclassified as lacking substantial evidence of effectiveness.

Accordingly, the Commissioner concludes that the antibiotic drug regulations should be amended to delete provisions for certification of such combination drug.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050-51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner (21 CFR 2.120), Part 148i is amended in § 148i.33 as follows:

By revising the section heading and paragraph (a)(1) to read as follows:

### § 148i.33 Neomycin palmitate-trypsin-chymotrypsin ointment.

(a) **Requirements for certification—**  
(1) *Standards of identity, strength, quality, and purity.* The drug is an ointment containing in each gram of a suitable and harmless ointment base neomycin palmitate equivalent to 3.5 milligrams of neomycin and 10,000 units of trypsin-chymotrypsin proteolytic activity. The moisture content is not more than 1 percent. The neomycin palmitate used conforms to the requirements of § 148.32(a)(1) of this chapter. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

Any person who will be adversely affected by the removal of any such drug

from the market may file objections to this order, request a hearing, and show reasonable grounds for the hearing. The statement of reasonable grounds and request for a hearing shall be submitted in writing within 30 days after publication hereof in the FEDERAL REGISTER, shall state the reasons why the antibiotic drug regulations should not be so amended, and shall include a well-organized and full-factual analysis of the clinical and other investigational data the objector is prepared to prove in support of his objections.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing. When it clearly appears from the data incorporated into or referred to by the objections and from the factual analysis in the request for a hearing that no genuine issue of fact precludes the action taken by this order, the Commissioner will enter an order on these data, making findings and conclusions on such data.

If a hearing is requested and justified by the objections, the issues will be defined and a hearing examiner named to conduct the hearing. The provisions of Subpart F of 21 CFR Part 2 shall apply to such hearing, except as modified by 21 CFR 146.1(f), and to judicial review in accord with section 701 (f) and (g) of the Federal Food, Drug, and Cosmetic Act (35 F.R. 7250; May 8, 1970).

Objections and requests for a hearing should be filed (preferably in quintuplicate) with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852. Received objections and requests for a hearing may be seen in the above office during regular business hours, Monday through Friday.

**Effective date.** This order shall become effective 40 days after its date of publication in the FEDERAL REGISTER. If objections are filed, the effective date will be extended for ruling thereon. In so ruling, the Commissioner will specify another effective date.

(Secs. 502, 507, 52 Stat. 1050-51, as amended, 59 Stat. 463 as amended; 21 U.S.C. 353, 357)

Dated: February 25, 1972.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc.72-3459 Filed 3-7-72; 8:48 am]

## Title 46—SHIPPING

### Chapter I—Coast Guard, Department of Transportation

[CGFR 72-35]

### TANK VESSELS AND SMALL PASSENGER VESSELS; GENERAL REQUIREMENTS FOR ELECTRICAL SYSTEMS

The purpose of these amendments to the electrical systems regulations is to define the term "non-sparking fan," to standardize common terms, to update



the definitions of the insulation classes, to eliminate the general term of "approved equipment" for motion pictures equipment and insert the specific requirements, to allow the installation of impressed cathodic protection systems in Grade E cargo tanks, to designate the cargo deck of tank ships as a hazardous area, to prescribe a suitable alarm bell for certain barges, and to allow specific commercial cable for electrical systems of more than 50 volts on small passenger vessels.

These amendments were proposed in a notice of proposed rule making published in the FEDERAL REGISTER of February 24, 1971 (36 F.R. 3425), and in the Merchant Marine Council Public Hearing Agenda dated March 29, 1971 (CG-249). The proposed amendments in this document were identified as Item PH 5-71 (PH 5a-71 through PH 5g-71) in the notice and agenda.

A public hearing was held on March 29, 1971 in Washington, D.C. Interested persons were given the opportunity to submit written comments both before and at the public hearing and to make oral comments concerning all the proposed amendments at the public hearing.

Item PH 5a-71 proposed amendments to §§ 110.15-175, 111.05-5, 111.15-10, and Table 112.05-5(a) and received four comments. One comment suggested that the requirements for a nonsparking fan be a Subchapter T requirement. The Coast Guard determined that the problem that the amendment corrected is not a problem for small passenger vessels. Accordingly, there is no need, at this time, for a similar amendment to Subchapter T.

A comment suggested that § 111.15-10(f) be further amended by adding requirements for control switches for power ventilation in all rooms, lockers, and boxes containing storage batteries. The Coast Guard could not make the recommended change because of the prohibition in § 111.15-5(a) against control switches in battery rooms.

Another comment suggested that a sentence should be added to the proposed amendment to § 110.15-175 that would allow fan blades of aluminum or magnesium alloy and a ferrous housing with a nonferrous insert ring at the throat. The Coast Guard accepted the suggestion and made it subdivision (5) of the design characteristics. The last comment objected to the proposed change to § 111.10-1(b)(3) on the basis that an emergency generator is large enough to maintain safety requirements and engine room auxiliaries needed to restart the boilers. The Coast Guard determined that this comment is not accurate since there is no requirement that an emergency generator be large enough to maintain engine room auxiliaries needed to restart the boiler.

Item PH 5b-71 proposed amendments to § 111.05-30 and received two comments. One comment suggested that the word "experience" be deleted from the proposed amendments. The Coast Guard determined that the proposed amendments are adoptions of accepted stand-

ards of the National Electrical Manufacturers Association, and deviation from the language of these standards would result in unwarranted confusion for the technician. The second comment suggested that Class "F" insulation be included in the proposed change to § 111.05-30. Section 111.05-30(b) of the proposal included Class F insulation and it is in this amendment.

Item PH 5c-71 proposed amendments to § 111.65-15 and received two comments. One comment suggested that the phrase "or any other acceptable testing agency" be added to the proposed amendment to § 111.80-30(b)(1). Since the only testing laboratory for motor-driven projectors is named in the proposed change, the Coast Guard rejected the suggestion. The second comment pointed out a typographical error.

Item PH 5d-71 proposed amendments to § 111.85-10 and received two comments. One comment concerned a typographical error. The second comment suggested that the proposed amendment to § 111.85-10(b)(2) be deleted because the installation, without restriction, of impressed cathodic protection systems and submersible pumps in Grade E cargo tanks would introduce a hazard. The Coast Guard determined that no hazard would be created because the impressed cathodic protection system and submersible pumps do not introduce sufficient energy to ignite the vapors from Grade E cargo.

Item PH 5e-71 proposed amendments to §§ 32.45-1 and 111.85-10 and received 10 comments. Nine comments were concerned that the proposal could not be practically implemented aboard a tank barge. The Coast Guard determined that the requirements for the amendment should be made applicable only to tank ships. The last comment proposed an entirely new requirement and the Coast Guard decided that this suggestion could not be acted upon without public rule making procedures.

PH 5f-71 proposed amendments to § 113.25-30 and received one comment which concerned an editorial change. The Coast Guard accepted the suggestion and made the editorial change.

Item PH 5g-71 proposed amendments to § 183.10-20 and received four comments, all concerning editorial changes. In consideration of the suggestions, the words "approved for wet or damp locations" were added to § 183.10-20(a) by the Coast Guard.

Accordingly, Item PH 5-71 is adopted with the following additional changes:

1. The proposed § 32.45-1(h)(2)(i) is subdivided into subdivision (i)(a) for a clear delineation of the requirements for all tank vessels and for tank ships contracted for after July 1, 1972. The proposed § 111.85-10(c), which is similar to § 32.45-1(h)(2)(i), is subdivided into subparagraph (5) and subdivision (i) for the same reason.

2. The proposed § 111.05-30 is clarified by the addition of the definitions of the words "experience" and "accepted test". Also, the words "or combinations of materials" are added to follow the words

"typical materials used" and the word "accepted" replaces the words "industry recognized" for consonance with the NEMA Publication No. MG 1.

3. The proposed § 111.15-10(b) is subdivided into subparagraphs (1)(i) and (2)(i) and (ii) for the clear delineation of the requirements for battery rooms which contain large battery banks and the requirements for all other battery rooms.

4. The proposed § 111.15-10(f) is subdivided into subparagraphs (1) through (4) so that the reader may quickly ascertain the power ventilation requirements.

5. The words "The only restriction for electrical installations in cargo handling rooms and enclosed spaces is that" are omitted from the proposed § 111.85-10(d)(1) because they are unnecessary and redundant to the requirement.

6. The proposed § 183.10-20(a) is subdivided into subparagraphs (1), (2), and (3) to delineate the additional requirements for wiring and cable.

7. The proposed § 183.10-20(b) is subdivided into: subparagraphs (1) (i) through (v) to delineate the requirements for the installation of electric cable in damp or wet locations; subparagraphs (2) (i) and (ii) to delineate the requirements for the armor of cable subject to salt water; and (3) for the separate requirement for the sheath of mineral insulated metal sheathed cable.

8. The proposed § 183.10-20(c) is subdivided into subparagraphs (1), (2), and (3) to highlight the separate requirements for electric lighting and power cable, commercial cable, and Navy cable.

9. The proposed Table 183.10-20(c)(2) is footnoted that it is extracted from the National Electric Code.

In consideration of the foregoing, Chapter I of Title 46, Code of Federal Regulations is amended as follows:

#### SUBCHAPTER D—TANK VESSELS

### PART 32—SPECIAL EQUIPMENT, MACHINERY, AND HULL REQUIREMENTS

1. By revising § 32.45-1(h)(2)(i) to read as follows:

§ 32.45-1 Requirements for tank vessels the construction or conversion of which is contracted for on or after November 19, 1955—TB/ALL.

(h) \* \* \*

(2) \* \* \*

(i) *Weather decks of tank vessels transporting Grade A, B, C, or D liquid cargo.* On each tank vessel subject to the requirements of this section, all motors, their control equipment, and other electrical equipment and installations located on or above the weather decks within 10 feet of a cargo tank opening, cargo pumproom door, cargo pumproom ventilation outlet, or cargo tank vent termination must be explosion proof. Explosion proof equipment installed in locations exposed to the weather must be watertight, enclosed in a watertight housing, or protected against the entrance of



water by a Coast Guard approved method.

(a) In addition to the requirements of this subdivision (i) of this subparagraph, each tank ship contracted for after July 1, 1972, shall have explosion proof electrical equipment on the open deck that is located in the zones over all cargo tanks or cargo tank holds, including all ballast tanks within the cargo tank block, to the full width of the vessel, plus three meters (10 feet) fore and aft and up to a height of 2.4 meters (8 feet) above the deck.

# SUBCHAPTER J—ELECTRICAL ENGINEERING PART 110—GENERAL PROVISIONS

2. By amending § 110.15-175 by striking the number "15" and inserting "5" in place thereof in the first sentence of paragraph (k), and by adding paragraph (l) to read as follows:

§ 110.15-175 Rotating machinery; enclosure, ventilation and protection terms.

(1) *Nonsparking fan.* A nonsparking fan is incapable in either normal or abnormal operating conditions of producing sparks of sufficient energy to ignite a flammable mixture. Fans of the following design characteristics are nonsparking:

(1) Blades or housing of nonmetallic construction.

(2) Blades and housing of nonferrous material.

(3) Blades and housing of noncorrosive (stainless) steel.

(4) Ferrous blades and housing with not less than one-half inch design tip clearance.

(5) Blades of aluminum or magnesium alloy and a ferrous housing with a nonferrous insert ring at the periphery of the impeller.

A combination of an aluminum or magnesium alloy fixed or rotating component, regardless of tip clearance is a sparking hazard.

# PART 111—ELECTRICAL SYSTEM; GENERAL REQUIREMENTS

3. By revising § 111.05-5(d) (21) to read as follows:

§ 111.05-5 Plan approval.

(d) \* \* \*

(21) The operating, maintenance, and instruction manuals for automated or centrally controlled propulsion or auxiliary machinery systems that include operational test procedures for verifying the operation of the required safety devices and systems.

4. By revising § 111.05-30 to read as follows:

§ 111.05-30 Insulation materials.

(a) *Definition of terms.* Certain terms used in this section are defined as follows:

(1) "Experience" means successful operation for a long time under actual operating conditions of machines de-

signed with temperature rise at or near the temperature rating limit. (NEMA Publication No. MG 1)

(2) "Accepted test" means a test on a system or model system which simulates the electrical, thermal, and mechanical stresses occurring in service. (NEMA Publication No. MG 1)

(b) *Class designation.* Insulation material referred to in this subchapter is designated by class as described in this section.

(c) *Class A Insulation.* A Class A insulation system is one that has a suitable thermal endurance when operated at the limiting Class A temperature specified in the temperature rise standard for the machine under consideration, as determined by the manufacturer's experience or by an accepted test. Typical materials or combinations of materials used in Class A systems include cotton, paper, cellulose acetate films, enamel-coated wire or similar organic materials impregnated with suitable substances. (NEMA Publication No. MG 1)

(d) *Class B Insulation.* A Class B insulation system is one that has a suitable thermal endurance when operated at the limiting Class B temperature specified in the temperature rise standard for the machine under consideration, as determined by the manufacturer's experience or by an accepted test. Typical materials or combinations of materials used in a Class B system include mica, glass fiber, asbestos, or other materials, not necessarily inorganic, with compatible bonding substances having suitable thermal stability. (NEMA Publication No. MG 1)

(e) *Class C Insulation.* A Class C insulation system contains materials consisting entirely of mica, porcelain, glass, quartz, or similar inorganic materials. (ANSI C-50)

(f) *Class F Insulation.* A Class F insulation system is one that has a suitable thermal endurance when operated at the limiting Class F temperature specified in the temperature rise standard for the machine under consideration, as determined by the manufacturer's experience or accepted test. Typical materials or combinations of materials used in a Class F system include mica, glass fiber, asbestos or similar materials, not necessarily inorganic, with compatible bonding substances having suitable thermal stability. (NEMA Publication No. MG 1)

(g) *Class H Insulation.* A Class H insulation system is one that has a suitable thermal endurance when operating at the limiting Class H temperature specified in the temperature rise standard for the machine under consideration, as determined by the manufacturer's experience or an accepted test. Typical materials or combinations of materials used in Class H systems include mica, glass fiber, asbestos, silicone elastomer, or similar materials, not necessarily inorganic, with compatible bonding substances, such as silicone resins, having suitable thermal stability. (NEMA Publication No. MG 1)

5. By adding subparagraph (3) to § 111.10-1(b) to read as follows:

§ 111.10-1 Power requirements.

(b) \* \* \*

(3) On a vessel having a single propulsion boiler, a source other than steam must drive one of the generators required by subparagraph (1) of this paragraph.

6. By amending § 111.15-10 by revising paragraph (b) and adding paragraph (f) to read as follows:

§ 111.15-10 Ventilation.

(b) *Battery rooms.* (1) Battery rooms which contain large battery banks as defined in § 111.15-1(c) (1) must be ventilated by mechanical exhaust.

(i) Adequate openings for air inlet, whether or not connected to ducts, must be provided near the floor or the bottom of lockers or boxes. In every case, the quantity of the air expelled must not be less than:

$$(q=3.89 \text{ in.})$$

where:

$q$ —Quantity of expelled air in cubic feet per hour.

$i$ —Maximum charging current during gas formation, or one-fourth of the maximum obtainable charging current of the charging facility, whichever is greater.

$n$ —Number of cells.

(2) All other battery rooms must be ventilated by either—

(i) Ducts installed from the top of the room to the open air with no part more than 45° from the vertical and not containing appliances that impede the free passage of air or gas mixtures, such as flame arresters; or,

(ii) Mechanical exhaust, as provided in the requirements of subparagraph (1) of this paragraph.

(f) *Power ventilation.* When power ventilation is required:

(1) The system must be separate from ventilation systems for other spaces;

(2) Electric motors, unless of a type which is totally enclosed and explosion proof, must be located outside of the ducts and outside the compartment required to be ventilated;

(3) Blower blades must be a non-sparking combination; and

(4) The system must be interlocked with the battery charger so that the battery cannot be charged without ventilation.

7. By amending § 111.80-30 by revoking paragraph (c) and revising paragraph (b) (1) to read as follows:

§ 111.80-30 Motion picture projection rooms and projection equipment.

(b) \* \* \*

(1) *Motor driven projectors.* A motor driven projector and an enclosure for an arc or incandescent lamp shall be approved by Underwriters' Laboratories,



Inc. A qualified projectionist shall be in charge of the projector when it is in use.

(c) [Revoked]

8. By amending § 111.85-10 by revising paragraphs (c) (5) and (d) (1) and the introductory text of paragraph (b) (2) to read as follows:

§ 111.85-10 Special requirements for tank vessels contracted for on or after November 19, 1955-TB/ALL.

(b) \* \* \*

(2) *Electrical equipment in cargo tanks.* Except as permitted by paragraph (d) of this section for Grade E cargo tanks, no electrical equipment may be installed in cargo tanks except approved intrinsically safe equipment and approved submersible pumps. The installation of submersible pumps must be restricted to closed tank systems such as refrigerated or compressed gas tanks and must comply with the following: \* \* \*

(c) \* \* \*

(5) *Weather decks.* On each tank vessel subject to the requirements of this section, all motors, their control equipment, and other electrical equipment and installations located on or above the weather decks within 10 feet of a cargo tank opening, cargo handling room door, ventilation outlet, or cargo tank vent termination shall be explosion proof. Explosion proof equipment installed in locations exposed to the weather shall be waterproof, enclosed in a watertight housing, or protected against the entrance of water by a Coast Guard approved method.

(i) In addition to the requirements of this subparagraph, all electrical equipment on the open deck of tank ships contracted for after July 1, 1972, shall be explosion proof when located in the zones over cargo tanks or cargo tank holds (including all ballast tanks within the cargo tank block), to the full width of the vessel, plus three meters (10 feet) fore and aft and up to a height of 2.4 meters (8 feet) above the deck.

(d) \* \* \*

(1) Storage batteries must not be located in cargo handling rooms.

(2) Impressed cathodic protection systems may be used in Grade E cargo tanks. No electrical equipment is permitted in these tanks except impressed cathodic protection system anodes, submersible pumps, and intrinsically safe equipment.

## PART 112—EMERGENCY LIGHTING AND POWER SYSTEM

9. By amending Table 112.05-5(a) in § 112.05-5 by revising the first entry in the second column for ocean and coastwise passenger vessels over 65 feet in length to read as follows:

§ 112.05-5 Emergency source of supply.

TABLE 112.05-5(a)

Type or types of emergency source of power

*** Storage battery ***
or
An automatically started generator driven by a suitable prime mover with an independent fuel supply, and an automatic load transfer from a temporary source of emergency power consisting of a storage battery of sufficient capacity to supply the temporary emergency source loads for not less than ½ hour.

## PART 113—COMMUNICATION AND ALARMS SYSTEMS AND EQUIPMENT

10. By revising § 113.25-30 to read as follows:

§ 113.25-30 General alarm system for barges of 300 gross tons and over with sleeping accommodations for more than six persons.

The general alarm system for barges of 300 gross tons and over with sleeping accommodations for more than 6 persons shall conform to the requirements of Subpart 113.25 except:

(a) The number and location of contact makers shall be based upon the design, service, and operation of the particular barge. Contact makers located in the primary work area, quarters area, galley, and mess area, machinery spaces and the bridge or control area should be considered; and

(b) Where the design of the barge prohibits the installation of distribution panels above the main or freeboard deck, the panels may be placed below the deck, but as high in the vessel as practicable.

### SUBCHAPTER T—SMALL PASSENGER VESSELS (UNDER 100 GROSS TONS)

## PART 183—ELECTRICAL INSTALLATION

11. By amending § 183.10-20 by revising paragraphs (a), (b), and (c) and

TABLE 183.10-20(c)(1) IEEE-45 MARINE CABLE—MAXIMUM CURRENT-CARRYING CAPACITIES FOR CONTINUOUS SERVICE<sup>1</sup>

Conductor size	Current in amperes											
	1-conductor			2-conductor			3-conductor					
Area (Circular mils)	A.W.G.	R or T	B or V	AV or S	R or T	B or V	AV or S	R or T	B or V	AV or S		
212,000	4/0	284	350	383	228	287	314	199	243	265		
168,000	3/0	245	308	337	197	252	275	175	211	231		
133,000	2/0	212	268	293	171	210	238	153	184	201		
106,000	1/0	183	233	254	151	192	210	132	160	175		
83,700	1	157	200	219	131	167	183	116	138	150		
66,400	2	136	172	188	113	145	158	101	120	131		
52,600	3	117	149	163	100	125	138	88	104	113		
41,700	4	100	129	141	87	110	120	78	90	99		
33,100	5	84	112	122	76	96	105	67	79	87		
26,300	6	74	97	107	66	84	91	58	69	74		
20,800	7	64	84	91	58	72	79	52	59	64		
16,500	8	54	75	81	50	62	68	46	52	57		
10,400	10	40	55	60	38	47	52	34	40	43		
6,530	12	28	36	39	26	30	33	25	28	29		
4,110	14	18		22	17		21	15		19		

<sup>1</sup> The values given in this table are based upon an ambient temperature of 40°C and maximum conductor temperature of:

75°C for types R (thermosetting heat resistant rubber) and T (thermoplastic polyvinyl chloride) cables;  
85°C for types B (thermosetting high temperature rubber) and V (varnished cloth) cables;  
95°C for types S (silicone rubber) and AV (asbestos-varnished cloth) cable.

striking Table 183.10-20(c) and inserting Tables 183.10-20(c) (1) and (2) in place thereof to read as follows:

§ 183.10-20 Wiring methods and materials (50 volts or more).

(a) All wiring and cables shall be suitable for marine service and for the particular installation used. In addition—

(1) Cable must be constructed in accordance with U.S. Navy Standards, Institute of Electrical and Electronic Engineers Recommended Practice 45, or be a suitable commercial grade cable, with stranded conductors, that is Underwriters Laboratories listed and rated for at least 75° C. service;

(2) Flexible or portable cords such as SO, STO, and similar types cannot be used for permanently installed wiring; and

(3) All commercial grade cables must be specifically approved for each installation.

(b) (1) Electric cable for installation in damp or wet location must be—

(i) Impervious sheathed;  
(ii) Impervious sheathed and armored;

(iii) Reinforced sheathed and armored;

(iv) Lead and armored; or  
(v) Mineral insulated metal sheathed.

(2) The armor of cable subject to salt water or salt water spray may be—

(i) Bronze; or  
(ii) Aluminum.

(3) The sheath of mineral insulated metal sheathed cable must be seamless annealed copper.

(c) (1) Electric lighting and power cable shall not be allowed to carry a continuous current in excess of the maximum current capacities listed in Tables 183.10-20(c) (1) and (2).

(2) A commercial cable's temperature rating other than those listed in Table 183.10-20(c) (2) must be current rated in accordance with the National Electric Code for 40° C. ambient temperatures.

(3) A Navy cable must be rated in accordance with current published Navy standards.



TABLE 183.10-20(c)(2)<sup>1</sup> COMMERCIAL CABLE—MAXIMUM CURRENT-CARRYING CAPACITIES FOR CONTINUOUS SERVICE—3 OR LESS CONDUCTORS

Conductor size	Current in amperes		
	Temperature rating of conductors		
Area (Circular mils)	A.W.G.	75° C	85° C and 90° C
212,000.....	4/0	202	211
168,000.....	3/0	176	189
133,000.....	2/0	154	166
106,000.....	1/0	132	139
83,700.....	1	114	126
66,400.....	2	101	108
52,600.....	3	88	94
41,700.....	4	75	81
26,300.....	6	57	63
16,500.....	8	40	45
10,400.....	10	26	36
6,530.....	12	18	27
4,110.....	14	13	22

<sup>1</sup> Extracted from the National Electric Code.

(R.S. 4405, as amended, R.S. 4462, as amended, R.S. 4417a, as amended, R.S. 4491, as amended, sec. 3, 70 Stat. 152, sec. 6(b) (1), 80 Stat. 937; 46 U.S.C. 375, 416, 391a, 489, 390h, 49 U.S.C. 1655(b) (1); 49 CFR 1.46(b))

**Effective date.** These amendments shall become effective on June 1, 1972.

Dated: February 17, 1972.

C. R. BENDER,  
Admiral, U.S. Coast Guard,  
Commandant.

[FR Doc.72-3333 Filed 3-7-72; 8:45 am]

## Title 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

#### PART 2—FREQUENCY ALLOCATION AND RADIO TREATY MATTERS: GENERAL RULES AND REGULATIONS

##### Table of Frequency Allocations; Correction

In the matter of amendment of Part 2 of the Commission's rules to effect editorial revisions therein.

The Commission's editorial order, in the above-entitled proceeding, adopted February 4, 1972, published in the FEDERAL REGISTER on February 16, 1972 (37 FR. 3437) is corrected by deleting footnote designator US110 in Column 6, from the band 470-902 MHz, and by adding footnote designator US100 in its place.

Released: February 29, 1972.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] JOHN M. TORBET,  
Executive Director.

[FR Doc.72-3497 Filed 3-7-72; 8:49 am]

## Title 26—INTERNAL REVENUE

### Chapter I—Internal Revenue Service, Department of the Treasury

#### SUBCHAPTER A—INCOME TAX [T.D. 7169]

#### PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

##### Percentage To Be Used by Foreign Life Insurance Companies in Computing Income Tax for Taxable Year 1971 and Estimated Tax for Taxable Year 1972

Section 819 of the Internal Revenue Code of 1954 provides for the determination of a percentage to be used in determining a "minimum figure" for each foreign corporation carrying on a life insurance business. Where this minimum figure exceeds such a corporation's surplus held in the United States, the amount of the "policy and other contract liability requirements" (determined under section 805 without regard to section 819), and the amount of the "required interest" (determined under section 809(a) without regard to section

819), must each be reduced by an amount determined by multiplying such excess by the "current earnings rate" (as defined in section 805(b) (2)). Accordingly, it is hereby determined that for purposes of computing the 1971 income tax for foreign corporations carrying on a life insurance business a percentage of 15.1 shall be used in determining the "minimum figure" under section 819.

It is presently anticipated that the data with respect to domestic life insurance companies for 1971 required for the computation of the percentage to be used by foreign corporations carrying on a life insurance business in computing their estimated tax for the taxable year 1972 will not be available in time for the filing of the declaration of estimated tax for such taxable year. Accordingly, it is hereby determined that for purposes of computing the estimated tax for the taxable year 1972 and payments of installments thereof by such corporation a percentage of 15.1 (the percentage applicable for 1971) shall be used in determining the minimum figure under section 819. No additions to tax shall be made because of any underpayment of estimated tax for the taxable year 1972 which results solely from the use of this percentage.

Because the percentage announced in this Treasury decision is computed from information contained in the income tax returns of domestic life insurance companies for the year 1970, which are not open to public inspection, the public accordingly cannot effectively participate in the determination of such figure. Therefore, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under subsection (b) of 5 U.S.C. 553 or subject to the effective date limitation of subsection (d) of that section.

[SEAL] FREDERIC W. HICKMAN,  
Acting Assistant Secretary  
of the Treasury.

[FR Doc.72-3513 Filed 3-7-72; 8:51 am]



# Proposed Rule Making

## DEPARTMENT OF THE TREASURY

Internal Revenue Service

[ 26 CFR Part 1 ]

### INCOME TAX

#### 50-Percent Maximum Rate on Earned Income; Notice of Hearing

Proposed regulations under section 1348 of the Internal Revenue Code of 1954, relating to the 50-percent maximum rate on earned income, appear in the FEDERAL REGISTER for December 15, 1971 (36 F.R. 23814).

A public hearing on the provisions of the proposed regulations will be held on Wednesday, April 12, 1972, at 10 a.m., e.s.t., in Hearing Room B, Interstate Commerce Commission Building, 12th and Constitution Avenue NW., Washington, D.C.

The rules of § 601.601(a)(3) of the statement of procedural rules (26 CFR Part 601) shall apply with respect to such public hearing. Copies of these rules may be obtained by a request directed to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, or by telephoning (Washington, D.C.) 202-964-3935. Under such § 601.601(a)(3), persons who have submitted written comments or suggestions within the time prescribed in the notice of proposed rule making and who desire to present oral comments at such hearing should by March 29, 1972, submit an outline of the topics and the time they wish to devote to each topic. Such outlines should be submitted to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224.

Persons who desire a copy of such written comments or suggestions or outlines and who desire to be assured of their availability on or before the beginning of such hearing should notify the Commissioner, in writing, at the above address by April 5, 1972. In such a case, unless time and circumstances permit otherwise, the desired copies are deliverable only at the above address. The charge for copies is twenty-five cents (\$0.25) per page, subject to a minimum charge of \$1.

LEE H. HENKEL, Jr.,  
Acting Chief Counsel.

[FR Doc. 72-3512 Filed 3-7-72; 8:51 am]

[ 26 CFR Part 1 ]

### INCOME TAX

#### Distributions of Stock and Stock Rights

On March 18, 1971, a notice of proposed rule making to amend the Income Tax Regulations (26 CFR Part 1) under

section 305 of the Internal Revenue Code of 1954 was published in the FEDERAL REGISTER (36 F.R. 5221). Notice is hereby given that the regulations set forth in tentative form below, which make certain changes and additions to such proposed regulations, are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably six copies, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by April 7, 1972. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by April 7, 1972. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 305(c) (83 Stat. 614; 26 U.S.C. 305(c)) and section 7805 (68A Stat. 917; 26 U.S.C. 7805) of the Internal Revenue Code of 1954.

JOHNNIE M. WALTERS,  
Commissioner of Internal Revenue.

On March 18, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 5221) in order to conform the Income Tax Regulations (26 CFR Part 1) to the provisions of section 305 of the Internal Revenue Code of 1954, as amended by section 421(a) of the Tax Reform Act of 1969 (83 Stat. 614). The changes set forth below are made in such proposed regulations:

PARAGRAPH 1. Section 1.305-1(d) of the proposed regulations published with notice of proposed rule making is revised to read as follows:

#### § 1.305-1 Stock dividends.

(d) *Definitions.* For purposes of this section and §§ 1.305-2 through 1.305-7, the term "stock" includes rights or warrants to acquire such stock, and the term "shareholder" includes a holder of rights or warrants or a holder of convertible securities.

PAR. 2. Section 1.305-3(d) of such proposed regulations is revised to read as follows:

#### § 1.305-3 Disproportionate distributions.

(d) *Adjustment in conversion ratio.* (1) (i) Except as provided in subparagraph (2) of this paragraph, if a corporation has convertible stock or convertible securities outstanding (upon which it pays or is deemed to pay dividends or interest in money or other property) and distributes a stock dividend with respect to the stock into which the convertible stock or securities are convertible, an increase in proportionate interest in the assets or earnings and profits of the corporation by reason of such stock dividend shall be considered to have occurred unless a full adjustment in the conversion ratio or conversion price to reflect such stock dividend is made. Under certain circumstances, however, the application of an adjustment formula which in effect provides for a "credit" where stock is issued for consideration in excess of the conversion price may not satisfy the requirement for a "full adjustment." Thus, if under a "conversion price" antidilution formula the formula provides for a "credit" where stock is issued for consideration in excess of the conversion price (in effect as an offset against any decrease in the conversion price which would otherwise be required when stock is subsequently issued for consideration below the conversion price) there may still be an increase in proportionate interest by reason of a stock dividend after application of the formula, since any downward adjustment of the conversion price that would otherwise be required to reflect the stock dividend may be offset, in whole or in part, by the effect of prior sales made at prices above the conversion price. On the other hand, if there were no prior sales of stock then a full adjustment would occur upon the application of such an adjustment formula and there would be no change in proportionate interest. See paragraph (b) of the example in this subparagraph for a case where the application of an adjustment formula with a cumulative feature does not result in a full adjustment and where a change in proportionate interest therefore occurs. See paragraph (c) for a case where the application of an adjustment formula with a cumulative feature does result in a full adjustment and where no change in proportionate interest therefore occurs. See paragraph (d) for a case where the application of a noncumulative type adjustment formula will in all cases prevent a change in proportionate interest from occurring, because of the omission of the cumulative feature.

(ii) The principles of this subparagraph may be illustrated by the following example.



*Example. (a)* Corporation S has two classes of securities outstanding, convertible debentures and common stock. At the time of issuance of the debentures the corporation had 100 shares of common stock outstanding. Each debenture is interest-paying and is convertible into common stock at a conversion price of \$2. The debenture's conversion price is subject to reduction pursuant to the following formula:

$$\begin{aligned} & \text{(Number of common shares out-} \\ & \text{standing at date of issue of debentures} \\ & \text{times initial conversion price)} \\ & \text{plus} \\ & \text{(Consideration received upon issuance} \\ & \text{of additional common shares)} \\ & \text{divided by} \\ & \text{(Number of common shares out-} \\ & \text{standing at date of issue of debentures)} \\ & \text{plus} \\ & \text{(Number of additional common} \\ & \text{shares issued)} \end{aligned}$$

Under the formula, common stock dividends are treated as an issue of common stock for zero consideration. If the computation results in a figure which is less than the existing conversion price the conversion price is reduced. However, under the formula, the existing conversion price is never increased. The formula works upon a cumulative basis since the numerator includes the consideration received upon the issuance of all common shares subsequent to the issuance of the debentures, and the reduction effected by the formula because of a sale or issuance of common stock below the existing conversion price is thus limited by any prior sales made above the existing conversion price.

(b) In 1972 corporation S sells 100 common shares at \$3 per share. In 1973 the corporation declares a stock dividend of 20 shares to all holders of common stock. Under the antidilution formula no adjustment will be made to the conversion price of the debentures to reflect the stock dividend to common stockholders since the prior sale of common stock in excess of the conversion price in 1972 offsets the reduction in the conversion price which would otherwise result, as follows:

$$100 \times \$2 + \$300 \div 100 + 120 = \frac{\$500}{220} = \$2.27$$

Since \$2.27 is greater than the existing conversion price of \$2 no adjustment is required. As a result, there is an increase in proportionate interest of the common stockholders by reason of the stock dividend and the additional shares of common stock will be treated, pursuant to section 305(b)(2), as a distribution of property to which section 301 applies.

(c) Assume the same facts as above, but instead of selling 100 common shares at \$3 per share in 1972, assume corporation S sold no shares. Application of the antidilution formula would give rise to an adjustment in the conversion price as follows:

$$100 \times \$2 + \$0 \div 100 + 20 = \frac{\$200}{120} = \$1.67$$

The conversion price, being reduced from \$2 to \$1.67, fully reflects the stock dividend distributed to the common stockholders. Hence, the distribution of common stock is not treated under section 305(b)(2) as one to which section 301 applies because the distribution does not increase the proportionate interests of the common shareholders as a class.

(d) Assume the same facts as in (b) above, but instead of using a "conversion price" antidilution formula which operates on a cumulative basis, assume corporation S has employed a formula which operates as follows

with respect to all stock dividends: The conversion price in effect at the opening of business on the day following the dividend record date is reduced by multiplying such conversion price by a fraction the numerator of which is the number of shares of common stock outstanding at the close of business on the record date and the denominator of which is the sum of such shares so outstanding and the number of shares constituting the stock dividend. Under such a formula the following adjustment would be made to the conversion price upon the declaration of a stock dividend of 20 shares in 1973:

$$200 \div 200 + 20 = \frac{200}{220} \times \$2 = \$1.82$$

The conversion price, being reduced from \$2 to \$1.82, fully reflects the stock dividend distributed to the common stockholders. Hence, the distribution of common stock is not treated under section 305(b)(2) as one to which section 301 applies because the distribution does not increase the proportionate interests of the common shareholders as a class.

(2) The distributing corporation may elect to make the adjustment in the conversion ratio or conversion price required by subparagraph (1) of this paragraph no later than the earlier of (i) 3 years after the date of the stock dividend, or (ii) that date as of which the aggregate stock dividends for which adjustment of the conversion ratio has not previously been made total at least 3 percent of the stock issued and outstanding on the date of the first such stock dividend.

(3) Notwithstanding the requirements of subparagraph (2) of this paragraph, an election to make the adjustment in the conversion ratio or conversion price required by subparagraph (1) of this paragraph shall be considered valid if made no later than a date 90 days following publication of this notice as a Treasury decision.

(4) An election made pursuant to subparagraphs (2) or (3) of this paragraph shall be made by a statement by the distributing corporation stating that it elects to make an adjustment in accordance with the provisions of subparagraphs (2) or (3) of this paragraph. The statement, plus a copy of the corporate authority for such an adjustment procedure, shall be attached to the income tax return of the corporation for the taxable year during which the stock dividend is distributed.

(5) See § 1.305-7(b) for a discussion of antidilution adjustments in connection with the application of section 305 (c) in conjunction with section 305(b).

PAR. 3. Section 1.305-5 of such proposed regulations is changed by revising paragraph (a) and by adding new examples (10) and (11) to paragraph (c), as follows:

§ 1.305-5 Distributions on preferred stock.

(a) *In general.* Under section 305 (b) (4), a distribution by a corporation of its stock (or rights to acquire its stock) made or deemed made with respect to its preferred stock is treated as a distribution of property to which section 301

applies unless the distribution is made with respect to convertible preferred stock to take into account a stock dividend, stock split, or any similar adjustment (such as the sale of stock of the distributing corporation to employees at less than the fair market value) which would otherwise result in the dilution of the conversion right. For purposes of the preceding sentence, an adjustment in the conversion ratio of convertible preferred stock made solely to take into account the distribution by a closed and regulated investment company of a capital gain dividend with respect to the stock into which such stock is convertible shall not be considered a "similar adjustment." The term "preferred stock" means stock which, in relation to other classes of stock outstanding, enjoys certain limited rights and privileges (generally associated with specified dividend and liquidation priorities) but does not participate in corporate growth to any significant extent. Generally, the distinguishing feature of "preferred stock" for the purposes of section 305(b)

(4) is not its privileged position as such, but that such privileged position is limited, and that such stock does not participate in corporate growth to any significant extent. However, a right to participate which lacks substance will not prevent a class of stock from being treated as preferred stock. Thus, stock which enjoys a priority as to dividends and on liquidation but which is entitled to participate, over and above such priority, with another less privileged class of stock in earnings and profits and upon liquidation, may nevertheless be treated as preferred stock for purposes of section 305 if, taking into account all the facts and circumstances, it is reasonable to anticipate at the time a distribution is made (or is deemed to have been made) with respect to such stock that there is little or no likelihood of such stock actually participating in current and anticipated earnings and upon liquidation beyond its preferred interest. Among the facts and circumstances to be considered are the prior and anticipated earnings per share, the cash dividends per share, the book value per share, the extent of preference and of participation of each class, both absolutely and relative to each other, and any other facts which indicate whether or not the stock has a real and meaningful probability of actually participating in the earnings and growth of the corporation. The term "preferred stock" includes nonparticipating stock the terms of which require, in all events, periodic distributions with respect to it of stock or rights to acquire stock, provided the corporation has another class of stock outstanding. The term "preferred stock", however, does not include convertible debentures.

(c) Examples. \* \* \*

*Example (10).* Corporation Q is organized with 10,000 shares of class A stock and 1,000 shares of class B stock. The terms of the class B stock require that the class B have a preference of \$5 per share with respect to dividends and \$100 per share with respect



to liquidation. In addition, upon a distribution of \$10 per share to the class A stock, class B participates equally in any additional dividends. The terms also provide that upon liquidation the class B stock participates equally after the class A stock receives \$100 per share. Corporation Q has no accumulated earnings and profits. In 1971 it earned \$10,000, the highest earnings in its history. The corporation is in an industry in which it is reasonable to anticipate a growth in earnings of 5 percent per year. In 1971 the book value of corporation Q's assets totalled \$100,000. In that year the corporation paid a dividend of \$5 per share to the class B stock and \$50 per share to the class A. In 1972 the corporation had no earnings and in lieu of a \$5 dividend distributed one share of class B stock for each outstanding share of class B. No distribution was made to the class A stock. Since, in 1972, it was not reasonable to anticipate that the class B stock would participate in the current and anticipated earnings and growth of the corporation beyond its preferred interest, the class B stock is preferred stock and the distribution of class B shares to the class B shareholders is a distribution to which sections 305(b) (4) and 301 apply.

*Example (11).* Corporation P is organized with 10,000 shares of class A stock and 1,000 shares of class B stock. The terms of the class B stock require that the class B have a preference of \$5 per share with respect to dividends and \$100 per share with respect to liquidation. In addition, upon a distribution of \$5 per share to the class A stock, class B participates equally in any additional dividends. The terms also provide that upon liquidation the class B stock participates equally after the class A receives \$100 per share. Corporation P has accumulated earnings and profits of \$100,000. In 1971 it earned \$75,000. The corporation is in an industry in which it is reasonable to anticipate a growth in earnings of 10 percent per year. In 1971 the book value of corporation P's assets totalled \$5 million. In that year the corporation paid a dividend of \$5 per share to the class B stock, \$5 per share to the class A stock, and it distributed an additional \$1 per share to both class A and class B stock. In 1972 the corporation had earnings of \$82,500. In that year it paid a dividend of \$5 per share to the class B stock and \$5 per share to the class A stock. In addition, the corporation declared stock dividends of one share of class B stock for every 10 outstanding shares of class B and one share of class A stock for every 10 outstanding shares of class A. Since, in 1972, it was reasonable to anticipate that both the class B stock and the class A stock would participate in the current and anticipated earnings and growth of the corporation beyond their preferred interests, neither class is preferred stock and the stock dividends are not distributions to which section 305(b) (4) applies.

PAR. 4. Section 1.305-7 of proposed regulations is revised to read as follows:

**§ 1.305-7 Certain transactions treated as distributions.**

(a) *In general.* Under section 305(c), a change in conversion ratio, a change in redemption price, a difference between redemption price and issue price, a redemption which is treated as a distribution to which section 301 applies, or any transaction (including a recapitalization) having a similar effect on the interest of any shareholder may be treated as a distribution with respect to any shareholder whose proportionate interest in the earnings and profits or assets of the corporation is increased by

such change, difference, redemption, or similar transaction. In general, such change, difference, redemption, or similar transaction will be treated as a distribution to which sections 305(b) and 301 apply where—

- (1) The proportionate interest of any shareholder in the earnings and profits or assets of the corporation deemed to have made such distribution is increased by such change, difference, redemption, or similar transaction; and
- (2) Such distribution has the result described in paragraphs (2), (3), (4), or (5) of section 305(b).

Where such change, difference, redemption, or similar transaction is treated as a distribution under the provisions of this section, such distribution will be deemed made with respect to any shareholder whose interest in the earnings and profits or assets of the distributing corporation is increased thereby. Such distribution will be deemed to be a distribution of the stock of such corporation made by the corporation to such shareholder with respect to his stock. Depending upon the facts presented, the distribution may be deemed to be made in common or preferred stock. For example, where a redemption price in excess of a reasonable call premium exists with respect to a class of preferred stock and the other requirements of this section are also met, the distribution will be deemed made with respect to such preferred stock, in stock of the same class. Accordingly, the preferred shareholders are considered under sections 305(b) (4) and 305(c) to have received a distribution of preferred stock to which section 301 applies. See the examples in § 1.305-5(c) for further illustrations of the application of section 305(c).

(b) *Antidilution provisions.* (1) For purposes of applying section 305(c) in conjunction with section 305(b), a change in the conversion ratio or conversion price of convertible preferred stock (or securities) made pursuant to a bona fide, reasonable, adjustment formula (including, but not limited to, either the so-called "market price" or "conversion price" type of formulas) which has the effect of preventing dilution of the interest of the holders of such stock (or securities) will generally not be considered to result in a deemed distribution of stock. An adjustment in the conversion ratio or price to compensate for cash dividends paid to other stockholders will not be considered as made pursuant to a bona fide adjustment formula.

(2) The principles of this paragraph may be illustrated by the following example:

*Example.* (1) Corporation U has two classes of stock outstanding, class A and class B. Each class B share is convertible into class A stock. In accordance with a bona fide, reasonable, antidilution provision, the conversion price is adjusted if the corporation transfers class A stock to anyone for a consideration that is below the conversion price.

(ii) The corporation sells class A stock to the public at the current market price but below the conversion price. Pursuant to the antidilution provision, the conversion price

is adjusted downward. Such a change in conversion price will not be deemed to be a distribution under section 305(c) for the purposes of section 305(b).

PAR. 5. Section 1.305-8 of such proposed regulations is changed by revising paragraph (b) to read as follows:

**§ 1.305-8 Effective dates.**

(b) *Rules of application.* (1) The rules contained in section 421(b) (2) of the Tax Reform Act of 1969 (83 Stat. 615), hereinafter called "the Act", shall apply with respect to the application of section 305(b) (2), section 305(b) (3), and section 305(b) (5). Thus, for example, section 305(b) (5) of the Code will not apply to a distribution of convertible preferred stock made before January 1, 1991, with respect to stock outstanding on January 10, 1969 (or which was issued pursuant to a contract binding on the distributing corporation on January 10, 1969), provided the distribution is pursuant to the terms relating to the issuance of such stock which were in effect on January 10, 1969.

(2) (i) For purposes of section 421(b) (2) (A), (B) (i), and (C) of the Act, stock is considered as outstanding on January 10, 1969, if it could be acquired on such date or some future date by the exercise of a right or conversion privilege in existence on such date. Thus, if on January 10, 1969, corporation X has outstanding 1,000 shares of class A common stock and 3,000 shares of class B common stock which are convertible on a one-to-one basis into class A stock, corporation X is considered for purposes of section 421(b) (2) (A), (B) (i), and (C) of the Act to have outstanding on January 10, 1969, 4,000 shares of class A stock (1,000 shares actually outstanding and 3,000 shares that could be acquired by the exercise of the conversion privilege contained in the class B stock) and 3,000 shares of class B stock.

(ii) For the purposes of section 421(b) (2) (A) (other than for the purpose of determining under section 421(b) (2) (A) (iii) that class of stock which as of January 10, 1969, had the largest fair market value of all classes of stock of the corporation), (B) (i), and (C) of the Act, stock will be considered as outstanding on January 10, 1969, if it is issued pursuant to a conversion privilege contained in stock issued, immediately or immediately, as a stock dividend with respect to stock outstanding on January 10, 1969.

(3) If, after applying subparagraph (2) of this paragraph, the class of stock which as of January 10, 1969, had the largest fair market value of all classes of stock of the corporation is a class of stock which is convertible into another class of nonconvertible stock, then for purposes of section 421(b) (2) (C) (ii) of the Act stock issued upon conversion of any such convertible stock (whether or not outstanding on January 10, 1969) into stock of such other class shall be deemed to be stock which meets the requirements of section 421(b) (2) (A) (iii) of the Act.



(4) For purposes of section 421(b) of the Act, stock of a corporation held in its treasury will not be considered as outstanding and a distribution of such stock will be considered to be an issuance of such stock on the date of distribution.

(5) The following stock shall not be taken into account for purposes of applying section 421(b)(2)(B)(i) of the Act: (i) Stock issued after January 10, 1969, and before October 10, 1969 (other than stock which was issued pursuant to a contract binding on January 10, 1969, on the distributing corporation); (ii) stock described in section 421(b)(2)(C)(i), (ii), or (iii) of the Act; and (iii) stock issued, mediately or immediately, as a stock dividend with respect to stock of the same class outstanding on January 10, 1969. For example, if on June 1, 1970, corporation Y issues additional stock of that class of stock which as of January 10, 1969, had the largest fair market value of all classes of stock of the corporation, such additional stock will not be taken into account for the purpose of meeting the requirement under section 421(b)(2)(B)(i) of the Act that the stock as to which there is a receipt of property must have been outstanding on January 10, 1969, and thus subparagraph (A) of section 421(b)(2) of the Act will not, where otherwise applicable, cease to apply.

(6) Section 421(b)(2)(A) of the Act, if otherwise applicable, will not cease to apply if the distributing corporation issues after October 9, 1969, securities which are convertible into stock that meets the requirements of section 421(b)(2)(A)(iii) of the Act at a fixed conversion ratio which takes account of all stock dividends and stock splits with respect to the stock into which the securities are convertible.

(7) Under section 421(b)(4) of the Act, section 305(b)(4) does not apply to any distribution (or deemed distribution) by a corporation with respect to preferred stock made before January 1, 1991, if such distribution is pursuant to the terms relating to the issuance of such stock which were in effect on January 10, 1969. For example, if as of January 10, 1969, a corporation had followed the practice of paying stock dividends on preferred stock (or of periodically increasing the conversion ratio of convertible preferred stock) or if the preferred stock provided for a redemption price in excess of the issue price, then section 305(b)(4) would not apply to any distribution of stock made (or which would be considered made if section 305(b)(4) applied) before January 1, 1991, pursuant to such practice.

(8) If section 421(b)(2) is not applicable and, for that reason, a distribution (or deemed distribution) is treated as a distribution to which section 301 applies by virtue of the application of section 305(b)(2), (b)(3), or (b)(5), it is irrelevant that, by reason of the application of section 421(b)(4) of such Act, section 305(b)(4) is not applicable to the distribution.

[FR Doc.72-3511 Filed 3-7-72;8:51 am]

## DEPARTMENT OF AGRICULTURE

### Agricultural Stabilization and Conservation Service

[7 CFR Part 1427]

#### SEED COTTON

#### Proposed Determinations for 1972 Loan Program

The Secretary of Agriculture is preparing to make the following determinations and issue regulations with respect to a loan program for 1972-crop upland and American-Pima seed cotton:

(a) Whether such a loan program should be offered in 1972.

(b) Loan levels.

(c) Detailed operating provisions to carry out the program.

These determinations are to be made pursuant to section 5(a) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c).

(a) The cotton crop is now harvested over a short period of time. This results in delays to many producers in getting their cotton ginned, rushed ginning, and higher ginning costs to producers. Until cotton is ginned, baled, and stored in a warehouse, it is not eligible for loans under Commodity Credit Corporation's regular cotton loan programs.

This Department is not required to offer a seed cotton loan program. Last year, however, a seed cotton loan program was instituted by Commodity Credit Corporation for 1971-crop seed cotton. Under this program, recourse loans were made available on seed cotton in approved storage on or off the farm within a reasonable distance of an approved gin. These loans were designed to afford interim financing for the producers until such time as their cotton could be ginned and be available for sale or placing under the regular loan programs. Since these loans would make it possible for producers to store quantities of seed cotton for more orderly ginning at a later date, it was expected that the program would permit gins to operate over a longer period of time, resulting in reduced costs to producers and ginning of higher quality cotton.

The 1971 program was limited to selective locations where past experience and conditions have shown that seed cotton can be stored. Participation in the 1971 program was limited, mainly because adverse weather during the growing and harvesting seasons in some areas reduced yields and delayed harvesting. The program is being reviewed to determine whether it should be continued for 1972.

(b) Under the 1971 program, loans were in amounts somewhat less than the estimated loan value of the lint cotton which would be ginned from the seed cotton placed under loan. Consideration is being given to the levels at which loans should be made available under the 1972 program.

(c) The Seed Cotton Loan Program Regulations, containing the operating provisions for the program, were published in the FEDERAL REGISTER of August 28, 1971 (36 F.R. 17325). These regulations are being reviewed to determine whether similar regulations should be issued for the 1972 program.

Prior to making the foregoing determinations and issuing regulations, consideration will be given to any data, views, and recommendations which are submitted in writing to the Secretary, Commodity Credit Corporation, U.S. Department of Agriculture, Washington, D.C. 20250. In order to be sure of consideration, all submissions must be received not later than 30 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection from 8:15 a.m. to 4:45 p.m., Monday through Friday, in Room 202-W, Administration Building, 14th and Independence Avenue SW., Washington, D.C.

Signed at Washington, D.C., on March 2, 1972.

KENNETH E. FRICK,  
Administrator, Agricultural Sta-  
bilization and Conservation  
Service.

[FR Doc.72-3491 Filed 3-7-72;8:50 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

[21 CFR Part 148e]

#### ERYTHROMYCIN STEARATE

#### Proposed Change in Moisture Content

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to him (21 CFR 2.120), the Commissioner of Food and Drugs proposes to amend § 148e.6 *Erythromycin stearate* in paragraph (a)

(1)(iii) by changing the moisture content from "3.0" to "4.0" percent.

Interested persons may, within 60 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: February 28, 1972.

H. E. SIMMONS,  
Director, Bureau of Drugs.

[FR Doc.72-3460 Filed 3-7-72;8:48 am]



## INTERSTATE COMMERCE COMMISSION

[ 49 CFR Part 1124 ]

[Ex Parte No. 277 (Sub-No. 1)]

### ADEQUACY OF INTERCITY RAIL PASSENGER SERVICE

#### Extension of Time for Filing Comments

MARCH 1, 1972.

In accordance with the Commission's order dated December 3, 1971, and published in the December 11, 1971, issue of the *FEDERAL REGISTER* (36 F.R. 23636), and by notice dated January 20, 1972, the date on or before initial statements were due was fixed as March 3, 1972.

At the request of Mr. Andrew P. Goldstein, representing various persons who own private railroad cars, the date for filing initial statements is hereby extended to March 20, 1972, and statements in reply will be due on or before April 17, 1972. An original and 15 copies of each party's statement, including a certificate showing service upon all

parties of record should be directed to the Interstate Commerce Commission, Office of Proceedings, Room 5354, Washington, D.C. 20423.

[SEAL]

ROBERT L. OSWALD,  
Secretary.

[FR Doc.72-3502 Filed 3-7-72;8:49 am]

## FEDERAL RESERVE SYSTEM

[ 12 CFR Parts 207, 220, 221 ]

[Regs. G, T, U]

### SECURITIES CREDIT TRANSACTIONS

#### Notice Postponing Effective Date of Proposed Amendments Regarding Credit To Contribute Capital to Brokers and Dealers

1. Pursuant to the authority contained in the Securities Exchange Act of 1934 (15 U.S.C. 78g), the Board of Governors, on July 9, 1971 (36 F.R. 13218), published revisions to its proposals to amend Parts 207, 220, and 221 (Regulations G, T, and U), to become effective October 1, 1971, but postponed to March 1, 1972, by notice (36 F.R. 22855).

2. Upon request made to the Board and in anticipation of proposed rules on the same subject matter by other regulatory bodies, the Board hereby announces that it will postpone the proposed effective date to September 1, 1972.

3. As a result of the postponement of the proposed effective date, the proposed changes to Regulations G, T, and U would apply to credit extended by banks, brokers, or dealers, and persons subject to Regulation G after September 1, 1972, and to renewals after such date of credit extended by banks after:

(i) April 16, 1971, in the case of credit extended to a customer for the purpose of making a loan or contribution of capital to a broker or dealer subject to Part 220 (Regulation T),

(ii) July 9, 1971, in the case of credit extended directly to a broker or dealer.

By order of the Board of Governors,  
February 29, 1972.

[SEAL]

TYNAN SMITH,  
Secretary to the Board.

[FR Doc.72-3445 Filed 3-7-72;8:48 am]



# Notices

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[R-27]

### CALIFORNIA

#### Proposed Classification of Public Lands for Disposal by Exchange

Pursuant to section 7 of the Act of June 28, 1934 (48 Stat. 1272), as amended (43 U.S.C. 315f), and to the regulations in 43 CFR 2400.0-3, it is proposed to classify the lands described below for disposal through private exchange, under section 8 of the Act of June 28, 1934, as amended (48 Stat. 1272; 43 U.S.C. 315g; 43 CFR Part 2200), for lands within the Bakersfield District.

This proposal has been discussed with the District Advisory Board local government officials and other interested parties. Information from discussions and other sources indicate that these lands meet the criterion of 43 CFR 2430.4(d), "for exchange under appropriate authority where they are found to be chiefly valuable for public purposes because they have special values, arising from the interest of exchange proponents, for exchange for other lands which are needed for the support of a Federal program."

Pursuant to the regulations in 43 CFR 2202.5, the lands included in formal application R-27 are segregated from applications under the public land laws, including the mining laws.

Information concerning these lands is available at the Bakersfield District Office.

Interested parties may submit comments, suggestions, or objections to the District Manager of the Bakersfield District Office, 800 Truxtun Avenue, Room 311, Bakersfield, CA 93301, on or before April 8, 1972.

The lands affected by this proposal are located in Kern County, Calif., and are described as follows:

#### MOUNT DIABLO MERIDIAN

- T. 30 S., R. 35 E.,
- Sec. 34, SE $\frac{1}{4}$ SE $\frac{1}{4}$ .
- T. 31 S., R. 35 E.,
- Sec. 2, lots 1, 8, 9, 16, E $\frac{1}{2}$ SE $\frac{1}{4}$ ;
- Sec. 4, all;
- Sec. 6, all;
- Sec. 8, all;
- Sec. 10, all;
- Sec. 12, all;
- Sec. 14, all;
- Sec. 16, all;
- Sec. 18, all;
- Sec. 22, all;
- Sec. 24, all;
- Sec. 26, all;
- Sec. 28, all.
- T. 31 S., R. 36 E.,
- Sec. 18, all;
- Sec. 20, all;
- Sec. 30, all.

The above described area contains 10,204.78 acres.

For the State Director.

LOUIS A. BOLL,  
District Manager.

[FR Doc. 72-3485 Filed 3-7-72; 8:49 am]

### CHIEF, BRANCH OF ADMINISTRATIVE MANAGEMENT, MONTANA STATE OFFICE

#### Redelegation of Authority Regarding Procurement

FEBRUARY 29, 1972.

A. Pursuant to delegation of authority delegated to me by the State Director, Montana, BLM Manual Supplement 1510, Release 1-94, the Chief, Branch of Administrative Management is authorized:

1. .03B2d(2)—*Open market purchases.* Authority to enter into contracts pursuant to section 302(c)(3) of the FPAS Act, for supplies, services, and rental of equipment and aircraft, not to exceed \$2,500 per transaction, and for construction, not to exceed \$2,000 per transaction; provided that the requirement is not available from established sources of supply.

2. .03B2d(3)—*Established sources of supply.* Authority to procure supplies and services available from established sources of supply regardless of amount.

ALAN B. CARLSON,  
Chief, Division of  
Management Services.

Approved:

EDWIN ZADLICKZ,  
State Director.

[FR Doc. 72-3470 Filed 3-7-72; 8:46 am]

### DIVISION CHIEFS ET AL., MONTANA STATE OFFICE

#### Delegation of Authority Regarding Requisitioning and Procurement

FEBRUARY 29, 1972.

.03B Delegations—1. *Requisitioning authority.* The following personnel are delegated requisitioning authority:

Division Chiefs, Montana State Office, Chief, Planning Staff, Montana State Office, Public Affairs Officer, Montana State Office.

2. *Procurement authority—d. State Directors—(1) Negotiated contracts.* The following personnel are delegated authority to enter into contracts pursuant to section 302(c)(2) of the FPAS Act, regardless of amount. This authority is to be used for rental of equipment and aircraft and for procurement of supplies and services required for emergency fire suppression and presuppression, where the order exceeds \$2,500.

Chief, Division of Management Services, Montana State Office, State Fire Control Officer, Montana State Office, District Managers.

(2) *Open market purchases.* The following personnel are delegated authority to enter into contracts pursuant to section 302(2)(3) of the FPAS Act, for supplies, services and rental of equipment and aircraft, not to exceed \$2,500 per transaction, and for construction, not to exceed \$2,000 per transaction; provided that the requirement is not available from established sources of supply:

Chief, Division of Management Services, District Managers, Project Manager, Lake States Project Office.

(3) *Established sources of supply.* The following personnel are delegated authority to procure supplies and services available from established sources of supply regardless of amount:

Chief, Division of Management Services, District Managers, Project Manager, Lake States Project Office.

(4) *Capitalized Property.* The following personnel are delegated authority to enter into contracts, under authority of subparagraphs (1), (2), or (3) above, as appropriate, for purchase of capitalized property where the item is required for immediate use in suppression of active fires, and immediate delivery for use on that fire is attainable:

Chief, Division of Management Services, Montana State Office, State Fire Control Officer, Montana State Office, District Managers.

If the purchase is to be charged to 1510 funds, or if the item is not included in an approved equipment budget, the SD must request prior approval of purchase by the Assistant Director, Administration. This authority may be exercised only in true emergency situations where immediate delivery is critical. In all other cases, the procedure in 1511.06G regarding acquisition of capitalized property applies. The authority granted in this subparagraph d(4) may be redelegated. All requests, however, must be submitted by the State to the Assistant Director of Administration for approval.

C. *Redelegation.* With the exception of .03B2d(1) and .03B2d(4), the officials delegated the above authority may, in writing, redelegate all or any part of this authority granted them to any qualified employees under their jurisdiction. Procurement authority carries with it a high degree of responsibility in that it authorizes a commitment of the Government's money. Therefore, redelegate this authority only to those who demonstrate ability and responsibility to perform in accord with established contracting procedures and who possess sound judgment and integrity.

Delegations should correspond to overall responsibilities and duties of staff positions, so that programs are carried



out efficiently, yet with adequate control. Authority redelegated to Montana State Office and Lake States Project Office employees requires State Director's approval.

EDWIN ZADLICH,  
State Director.

[FR Doc.72-3471 Filed 3-7-72; 8:46 am]

## DEPARTMENT OF AGRICULTURE

### Commodity Credit Corporation

[Amdt. 10]

#### SALES OF CERTAIN COMMODITIES

##### Monthly Sales List

The provisions of section 18 entitled "Grain Sorghum—Export Sales (Bulk-Basis Grade 2 or Better)" of the CCC Monthly Sales List for the fiscal year ending June 30, 1972, published in 36 F.R. 13044, are deleted.

Effective date: 2:30 p.m., e.s.t., February 29, 1972.

Signed at Washington, D.C. on March 2, 1972.

KENNETH E. FRICK,  
Executive Vice President,  
Commodity Credit Corporation.

[FR Doc.72-3490 Filed 3-7-72; 8:49 am]

[Amdt. 11]

#### SALES OF CERTAIN COMMODITIES

##### Monthly Sales List

In order to remove CCC-owned Upland Cotton from the Barter Eligibility List, section 6 entitled "Barter Eligibility List" of the CCC Monthly Sales List for the fiscal year ending June 30, 1972, published in 36 F.R. 13044, is revised to read as follows:

Stocks of tobacco, under CCC loan, are available for new and existing barter contracts.

Effective date: 2:30 p.m., e.s.t., February 29, 1972.

Signed at Washington, D.C. on March 2, 1972.

KENNETH E. FRICK,  
Executive Vice President,  
Commodity Credit Corporation.

[FR Doc.72-3489 Filed 3-7-72; 8:49 am]

#### Commodity Exchange Authority BROKERAGE COMMISSION

##### Minimum Rates

The purpose of this notice is to announce that the Commodity Exchange Authority will respond to a request from a Federal court and file a written report on issues relating to minimum rates of commission charged by the Chicago Board of Trade on commodity transactions and to hereby request the written views of interested persons before preparing the report.

The Federal court order results from an action filed by the U.S. Department of Justice charging that members of the Board of Trade of the city of Chicago violated section 1 of the Sherman Act by establishing minimum rates of commission, floor brokerage and other fees for the trading of commodity futures contracts on the Board of Trade.

The Chicago Board of Trade and the U.S. Department of Justice concurred in asking the court to seek the views of the Administrator of the CEA because some operations of the exchange are regulated under the Commodity Exchange Act and he has special knowledge of the regulatory Act and the operations of exchanges and trading in contracts for the future delivery of commodities.

The court order requested the Administrator, Commodity Exchange Authority, "to report his views in writing to the court on whether any changes in the rules and practices of the defendant, Board of Trade of the city of Chicago, respecting minimum rates of commission are either necessary or appropriate and whether such rules and practices are now, and in the future will be, necessary to achieve the objectives of the Commodity Exchange Act." Also, the court order requested the Administrator to consider the views of interested parties and advise the court on:

- (a) The history and development of the Board of Trade's commission rules and practices;
- (b) The reasonableness of existing levels of commissions;
- (c) The likely impact of any change in commissions—
  - (1) On the operations of the Board and its membership,
  - (2) On competition, including competition among commodity exchanges, commission merchants and traders, and
  - (3) On the services provided by the exchanges and commission merchants to the public; and
- (d) The economic implications generally of existing and alternative commission structures and rates.

The Commodity Exchange Authority wants to afford all interested persons an opportunity to submit their written views, data, and comments on the points listed above. Such persons should mail or submit in duplicate their written views, data, and comments to the Administrator, Commodity Exchange Authority, U.S. Department of Agriculture, Washington, D.C. 20250, on or before April 15, 1972.

All written submissions made pursuant to this notice will be available for public inspection in the Office of the Administrator, Commodity Exchange Authority, U.S. Department of Agriculture, Washington, D.C. 20250, between the hours of 8:30 a.m. and 5 p.m. on any business day.

Issued this 3d day of March 1972.

ALEX C. CALDWELL,

Administrator,  
Commodity Exchange Authority.

[FR Doc.72-3469 Filed 3-7-72; 8:46 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Office of the Secretary

#### FOOD AND DRUG ADMINISTRATION

##### Statement of Organization, Functions, and Delegations of Authority

Part 6, formerly Part 10 (Food and Drug Administration) of the statement of organization, functions, and delegations of authority of the Department of Health, Education, and Welfare (35 F.R. 3685-92, 16267-70, and 19804-05, and 36 F.R. 5741-44, 6610-11, 9671-72, and 14280) is amended by revising section 6B(1) to reflect the new organization and functions of the Bureau of Drugs:

##### Section 6B Organization. \* \* \*

(1) *Bureau of Drugs.* Develops standards and medical policy and conducts research with respect to the efficacy, reliability, and safety of drugs for humans. Reviews and evaluates new-drug applications and claims for investigational drugs.

Conducts a program of clinical studies related to the safety and efficacy of drugs.

Operates an adverse drug reaction reporting system.

Plans, coordinates, and evaluates FDA's surveillance and compliance programs relating to drugs.

Provides scientific and technical support in the areas of drug biology and drug chemistry.

Develops or coordinates the development of regulations, model codes, and other standards covering drug industry practices; fosters development of good manufacturing practices.

Coordinates, directs, and reviews FDA's antibiotic and insulin certification program.

(1-1) *Office of the Director.* Plans, evaluates, and provides executive direction to Bureau programs and related operating and information systems.

Directs the Bureau's financial management and personnel management systems and other administrative services.

Plans and publishes various scientific and lay publications directed to audiences within and outside the Bureau.

Provides or arranges for the Bureau's response to inquiries on drugs from outside sources or other FDA components.

Directs the development of the Bureau's regulatory policy.

Recommends to the Office of the Commissioner changed or additional legislative authority.

(1-2) *Drug Efficacy Study Implementation Project Office.* Coordinates the implementation of the National Academy of Sciences-National Research Council Drug Efficacy Study, and serves as focal point for information concerning the implementation.



Performs medical and scientific evaluations of submissions received from the drug industry as a result of the implementation.

Coordinates the development of regulations necessary for implementation; in conjunction with the Office of Compliance, coordinates necessary regulatory actions.

(i) *Division of Regulations and Announcements.* Identifies the needs for and drafts and revises regulations and policy statements related to the implementation.

Evaluates or recommends regulations adoption, rejection, or changes proposed by industry or trade associations.

Develops responses other than routine to inquiries regarding the study from Congress, the White House, or DHEW, as referred from the Office of the Commissioner.

Prepares speeches, position papers, and unusual and precedent setting correspondence covering the study.

(ii) *Division of Actions Implementation.* Performs medical and scientific evaluations of abbreviated new-drug applications and supplements to new-drug applications, received as a result of implementation; forwards complex submissions to the Office of Scientific Evaluation for complete evaluation. Makes recommendations concerning withdrawal of new-drug applications covered by the study.

(1-3) *Office of the Assistant Director for Planning and Analysis.* Advises and assists the Director and other key Bureau officials regarding: Strategic and operational planning; analysis and recommendations on policy development; solutions to operational problems and related system demands; development and operation of appropriate scientific and program management support systems; and identification and evaluation of program priorities. Develops Bureau planning and programming strategy.

Identifies operational goals and evaluation measures relevant to short-range objectives which are in concert with long-range goals.

Develops and applies appropriate effectiveness measures to Bureau programs, both with regard to internal effectiveness as well as with regard to impact upon the regulated industries and the various other professional and consumer clientele.

Conducts systems analyses and operations research studies related to the solution of immediate or near-term Bureau scientific and program management needs as well as to future Bureau strategic and operational needs; designs related program management and scientific information and control systems.

Provides consultation service to Bureau officials in the analysis and synthesis of conceptual and operating models for scientific and managerial processes or functions. Develops and applies new analysis techniques, or adapts existing techniques required for solution of Bureau problems as required for optimal reaction to planning requirements.

Represents the Bureau in matters related to planning and analysis with other Bureaus and the Office of the Commissioner, other Federal agencies and the regulated industries.

Coordinates and monitors Bureau utilization of electronic and other data processing practices and systems.

(i) *Division of Management and Scientific Information Systems Design.* Acts as a Bureau resource for the design of management and scientific information systems; collaborates with and responds to requests from units within the Bureau for assistance in the design of such systems.

Monitors Bureau-wide utilization of electronic and other data processing facilities and systems; recommends changes in utilization where appropriate; advises the Assistant Director for Planning and Analysis through periodic reports.

(ii) *Division of Planning and Analysis.* Acts as a Bureau resource for the conduct of studies relevant to the strategies or operational plans and systems of the Bureau; collaborates with and responds to requests from units within the Bureau for the conduct of studies.

Responds to requests from the Bureau Director for analyses and plans.

Develops and monitors implementation of Bureau operational and strategic plans.

(1-4) *Office of Compliance (Drugs).* Advises the Bureau Director and other FDA officials on the legal-administrative problems, and regulatory problems and administrative policies concerning FDA's regulatory responsibilities relating to drugs.

Directs, designs, and monitors studies to develop facts necessary to support regulatory action on violative drugs.

Develops compliance and surveillance programs for field implementation covering regulated industries in drug and related areas.

Develops or coordinates the development of standards covering drug industry practices and fosters development of good manufacturing practices.

Develops and carries out programs designed to encourage compliance by industry on a voluntary basis.

Provides support and guidance, upon request, to the field/district offices in the handling of legal actions and provides headquarters case development, coordination, and contested case assistance.

Develops and coordinates studies to measure degree of compliance by regulated industries with statutes and regulations enforced by FDA.

Monitors and evaluates professional journal advertising, and promotional and related labeling to determine veracity of claims. Acts as the focal point for Bureau-field relations.

(i) *Division of Regulatory Operations.* Reviews recommendations on proposed suspensions or reinstatements of antibiotic certification services, and on proposed revocations of certification of batches; performs necessary liaison with the Division of Anti-Infective Drug Products and the field/district offices in connection with regulatory activities relating to antibiotics and insulin.

Provides support and guidance, upon request, to the field/district offices in the handling of legal actions relating to drugs, prescription drug advertising, new drug and investigational new drugs, antibiotics, and insulin.

Provides headquarters case development, coordination, and contested case assistance.

Assists in drafting proposed regulations and policy decisions and recommends to the Bureau Director action on petitions for exemption, requests for extensions and other matters pertinent to the Fair Packaging and Labeling Act.

Develops compliance policy guidelines and administrative-legal guidelines for Agency-wide guidance and control of enforcement effort.

Maintains liaison with other Federal agencies for coordination on actions and issues of mutual concern.

Initiates special field investigations of national scope upon clearance by the Office of the Commissioner; provides control and guidance in the conduct of these investigations, interprets their results, and recommends appropriate action based on these results; reviews and approves legal actions in cases of national scope requiring headquarters coordination.

Maintains register of drug manufacturers and register of nonretail distributors of controlled drugs; maintains inventory of data on firms subject to laws enforced by the FDA.

Issues advisory opinions resulting from specific requests from industry, trade associations, Federal agencies, and Members of Congress.

(ii) *Division of Compliance Programs (Drugs).* Develops and issues surveillance and compliance programs covering the drug industry; coordinates the establishment of priorities for compliance activities involved in such programs.

Serves as the focal point for information concerning the compliance status of specific drug firms and their facilities, and provides information on the latest industry technological developments.

Identifies needs for new and revised standards to be met by industry and to support ongoing and contemplated compliance programs.

Identifies needs and is responsible for the development of new and revised programs, including special programs directed toward unique and isolated problem areas.

Identifies and recommends research needed to develop better monitoring and compliance methods and techniques. Develops programs to support FDA research activities.

Plans and develops an appraisal system for each compliance program; assists in the development of reporting systems designed to furnish information on compliance programs; evaluates program effectiveness.

(iii) *Division of Drug Advertising.* Monitors and secures any necessary medical evaluations of prescription drug advertisements and promotional and related labeling.



Provides guidance and support in formulation of policy, regulations, and advisory opinions in advertising and promotional labeling.

Initiates action to remedy violative advertising and promotional labeling situations; sponsors field investigations and followup actions indicated in development of advertising and promotional labeling cases; assists in the preparation of legal documents and cases where advertising or promotional labeling violations require imposition of legal sanctions.

Provides leadership and conducts meetings negotiating administrative remedial actions with advertising sponsors and drug firms; develops and recommends specific remedial instruments applicable to specific violative situations; conducts headquarters hearings under section 305 of the Act in areas of responsibility.

Sponsors evaluation and preclearances of advertising and promotional labeling proposals from firms on request.

Maintains advertising work case records and provides statistical support in advertising area for the Agency.

(iv) *Division of Industry Liaison.* Promotes a better understanding of the requirements and objectives of the laws and regulations enforced by FDA among the regulated drug industries and encourages compliance on a voluntary basis.

Plans and conducts national conferences, seminars, symposia, and forums on specific compliance programs collaboratively with other Bureau units, trade associations, and academic groups.

Plans, in concert with field/district offices, workshops, and other continuing educational and informational activities to maximize voluntary compliance by the drug industry.

Develops, in concert with other Bureau units, effective channels of communication, with industry trade associations and academic groups, designed to assure a continuing flow of information that will promote voluntary compliance with the Food, Drug, and Cosmetic Act and regulations.

Assists the Office of Scientific Evaluation in providing and disseminating guidelines to the drug industry for improvement in the quality of investigational new drug studies and new drug applications.

(1-5) *Office of Pharmaceutical Research and Testing.* Provides scientific support for FDA's drug compliance programs.

Develops scientific standards and conducts research relating to the composition, quality, and safety of drugs; operates the FDA system for continuous appraisal and improvement of current and proposed drug standards and specifications.

Devises new chemical, physical, and biological methods for the analysis of drugs in pharmaceutical preparations and in tissues and body fluids; investigates the mechanisms of the underlying chemical reactions; and explores the utilization of novel instruments and equipment.

Designs and participates in collaborative studies to establish the reliability of new methods and to validate important discoveries relating to drug examinations.

Operates the National Center for Drug Analysis.

Operates the National Center for Antibiotics Analysis.

Cooperates with the Committee of Revision of the U.S. Pharmacopeia and National Formulary to compose and assemble monographs for inclusion in official drug compendia.

(i) *Division of Drug Biology.* Originates, plans, and conducts research to investigate the nature and properties of pharmacologically significant substances in drugs and investigates their effects in biological and microbiological systems.

Devises and develops new methods for studying the biological activity of drugs.

Conducts research to investigate the metabolism of drugs, the identity of adverse drug reactions, the interactions between drugs and between drugs and chemicals in the environment, neuroendocrine relationships, and the effects of drugs on behavior.

Devises microanalytical and biological methods for the analysis of drugs.

Performs bioassays by official and non-official methods to determine the potency of drugs, and performs tests in the certification program for insulin.

Conceives, plans, and executes a research program to investigate the utility of diverse animal systems and biochemical reactions for the examination of drug products.

Devises new and improved methods for the determination of minute concentrations of drugs in such biological materials as blood, urine, feces, muscle tissue, kidney, liver, eggs, and milk.

Conducts research to determine the nature, extent, and significance of microbial and microscopic contaminants in drugs.

Cooperates with the Division of Drug Chemistry to correlate bioanalytical findings with the results obtained by the use of newly devised physicochemical methods of analysis for drugs.

(ii) *Division of Drug Chemistry.* Conceives, plans, and executes a research program to detect, isolate, and disclose the chemical nature of potent and toxic substances occurring in drug products.

Operates the FDA system for the continuous appraisal and improvement of current and proposed drug standards and specifications.

Makes final decisions on the validity of all NDA analytical procedures referred to this Division or a field laboratory.

Devises original physicochemical methods to measure the quantities of potent and toxic substances in drug products, including those subject to drug abuse control.

Investigates the principles underlying the chemical reactions employed in the analysis of drugs.

Proposes and establishes specifications for the standardization of drugs and analytical reference substances, and cooperates with the U.S. Pharmacopeia and the National Formulary in compos-

ing appropriate official monographs which incorporate these specifications; establishes and maintains authoritative manuals and directories for drugs analysis.

Participates, in cooperation with the National Center for Drug Analysis, in collaborative studies to test the validity of analytical methods proposed for adoption by the U.S. Pharmacopeia, National Formulary, and Association of Official Analytical Chemists or in new-drug applications.

Provides expert advice on the chemistry of drugs and physicochemical identification of drugs to the field laboratories, and the Bureau of Narcotics and Dangerous Drugs, Department of Justice.

Conceives, plans, and executes a research program to investigate the utility of new, complex electronic, optical, and radiometric instruments for the analysis of drugs.

(iii) *National Center for Antibiotics Analysis.* Tests large numbers of antibiotic samples obtained through the certification program, or collected for examination by the FDA field/district laboratories in planned surveillance programs or submitted by other agencies such as Department of Defense, Veterans Administration, and other agencies of the Public Health Service.

Devises new methods for the rapid and accurate analysis of large numbers of drugs containing antibiotics, employing combinations of complex instruments in physical, chemical, biological, and microbiological methods. Devises new methods for the examination of individual drugs containing antibiotics which present analytical problems in accepted procedures, and subjects these new methods to collaborative study.

Devises new and rapid methods applicable to the analysis of single dosage entities, and to the analysis of antibiotic residues in tissues, body fluids, and edible substances.

In cooperation with other components of the Office of Pharmaceutical Research and Testing, participates in collaborative studies to test the validity of analytical methods proposed for adoption by the U.S. Pharmacopeia (USP), National Formulary (NF), and Association of Official Analytical Chemists, or in new-drug applications.

Cooperates with the World Health Organization, USP, and NF in testing and establishing reference standard drug substances for use in the analysis of antibiotics.

Maintains a library of authenticated antibiotic reference drug substances for distribution to field/district laboratories and other authorized Federal agencies, as well as to industry participants in the antibiotic certification service.

Provides expert advice to other units in FDA on the analysis of samples containing antibiotics and interprets the results of laboratory findings.

(iv) *National Center for Drug Analysis.* Tests large numbers of drug samples obtained in planned surveillance programs or submitted for examination by the field/district laboratories or by the



Department of Justice, the Veterans Administration, and other agencies of the Public Health Service.

Devises new methods for the rapid and accurate analysis of large numbers of drugs, employing combinations of complex instruments in automated systems of original design.

Devises new methods for the examination of individual drugs which present analytical problems in accepted procedures, and subjects these new methods to collaborative study.

Devises new rapid methods applicable to minute quantities of drugs for the analysis of single dosage entities.

In cooperation with other parts of the Office of Pharmaceutical Research and Testing, participates in collaborative studies to test the validity of analytical methods proposed for adoption by the U.S. Pharmacopeia (USP), National Formulary (NF), and Association of Official Analytical Chemists (AOAC), or in new drug applications.

Cooperates with the USP and NF in testing reference standard drug substances for compliance with specifications.

Performs check analyses upon request to confirm results obtained by other FDA laboratories in drug analysis, and operates a program to monitor the reliability of analytical results obtained in FDA laboratories.

(1-6) *Office of Scientific Coordination.* Provides expert scientific and medical support to the accomplishment of Bureau operating programs aimed at assuring the consumer safe and effective drugs. This support includes the scientific study of the epidemiology of drugs, clinical research studies of drugs, biostatistical consultation, computer applications to scientific and medical analysis, and scientific data management.

Provides leadership and support to the operations of the Bureau of Drugs Research Committee.

Monitors the professional-scientific performance of research contracts.

Surveys and evaluates drug product trends and the implications of new and emerging industrial technology upon Bureau policies and activities.

Coordinates the Bureau's utilization of expert scientific advice; arranges for consultants, scientific committees, panels, and executive secretaries for committees; coordinates services of regularly employed consultants who maintain offices with the Bureau.

Arranges schedules for and assists in orientation of distinguished visitors to the Bureau, such as foreign scientists or Government administrators.

Provides scientific and medical direction for the development and operation of a National Drug Experience Monitoring System.

(1) *Division of Statistics.* Provides biostatistical analysis and evaluation services in support of the operating and administrative programs of the Bureau.

Provides statistical support to Bureau research projects and regulatory programs.

Develops and evaluates methodology for analyzing mortality and morbidity data associated with the use of drugs or required in the evaluation of adverse drug reactions.

Aids in developing appropriate epidemiological methodologies for conducting, monitoring, and evaluating intramural and extramural research providing data relevant to surveillance programs on investigational and marketed drugs.

(ii) *Division of data management.* Operates systems for the collection and analysis of data elements required to meet research and operating information needs within the Bureau; works in close cooperation with the Division of Management and Scientific Information Systems Design, Office of the Assistant Director for Planning and Analysis, on systems design aspects. Abstracts, summarizes, codes, stores, and retrieves scientific and technical data contained in drug applications and other scientific reports received by the Bureau.

Provides data input services to the Bureau, and serves as liaison with FDA's central data processing facility on operational data processing matters.

Responsible for creating and maintaining large data files in response to various operating needs within the Bureau.

(iii) *Division of Clinical Research.* Identifies, in collaboration with other Bureau units, relevant subjects for research; develops and coordinates appropriate statements of work; reviews and formulates recommendations on solicited and unsolicited research proposals; implements research contracts.

Reviews the professional performance of research contracts through project officers appointed to monitor progress reports on specific research contracts; prepares consolidated reports for use by the Bureau Director; monitors progress through in-field site visits to contract research organizations.

Designs research protocols on subjects designated as priority topics by the Bureau Director and the Bureau Research Committee.

Reviews and analyzes biochemical research study data and develops standard study protocols to be used for regulatory purposes in the area of biologic availability.

Provides facilities for the conduct of research projects directly related to pending regulatory actions and for the study of the general subjects of teratology, toxicology, and biochemical pharmacology both at a laboratory and clinical level in close collaboration and coordination with the Office of Pharmaceutical Research and Testing.

Designs studies and conducts clinical research to compare the biologic availabilities of marketed drugs and to improve related assay procedures.

(iv) *Division of epidemiology and drug experience.* Develops and implements systems for the acquisition of reports of adverse drug experiences; collects and evaluates these reports;

serves as repository and dissemination center for such information.

Develops work statements for contracts to acquire drug experience data; reviews and formulates recommendations on solicited and unsolicited research and nonresearch proposals; serves as project officer for the monitoring of professional performances of research contracts providing information on drug usage.

Develops and implements systems for acquisition of general drug experience and utilization information.

Plans and develops, in cooperation with the Office of the Assistant to the Director for Medical Communications, information dissemination systems to users of adverse drug reaction, drug experience, and drug utilization data outside FDA as well as to regulatory decisionmakers within FDA. Monitors FDA participation in World Health Organization's program to implement an international drug monitoring system.

Conducts epidemiologic research on the occurrence of drug effects, both adverse and therapeutic. Develops methodologies required in the conduct of such research.

(1-7) *Office of Scientific Evaluation.* Reviews notices of claimed investigational exemption for new drugs (IND's) and recommends action to restrict or stop further testing.

Performs a continuing review of IND's as amendments and required progress reports are submitted and recommends action to restrict or stop further testing.

Conducts reviews of clinical investigators and scientific investigations in the investigational new drug (IND), and the new-drug application (NDA) areas and coordinates appropriate followup with the Office of Compliance.

Evaluates, for safety and efficacy, NDA's submitted by manufacturers for permission to market new drugs.

Evaluates adequacy of directions for use and warnings against misuses appearing in proposed labeling.

Evaluates the safety and efficacy data and proposed labeling in supplements to NDA's.

Conducts continuing surveillance and medical evaluation of the labeling, clinical experience, and reports submitted by an applicant under the records and reports requirements, of all drugs for which a new-drug approval is in effect.

Evaluates manufacturing and laboratory methods, facilities, and controls exercised in factories producing new drugs.

Reviews inspection and other findings designed to reveal whether new drugs are being marketed in accord with commitments contained in new drug applications.

Makes recommendations concerning withdrawal of approval of NDA's.

Reviews IND's and NDA's for antibiotic drugs; takes final action on antibiotic and insulin samples submitted for certification and on requests for exemptions from antibiotic certification.

(1) *Division of anti-infective drug products.* Performs the following functions with regard to drugs classified as anti-infective drugs:



Reviews notices of claimed exemption for investigation new drugs (IND's) and recommends action to restrict or stop further testing.

Evaluates adequacy of directions for use and warning against misuses appearing in proposed labeling.

Evaluates, for safety and efficacy, new-drug applications (NDA's) submitted by manufacturers for permission to market new drugs.

Conducts continuing surveillance and medical evaluation of the labeling, clinical experience, and reports submitted by an applicant under the records and reports requirements, of all drugs for which a new-drug approval is in effect.

Evaluates manufacturing and laboratory methods, facilities, and controls exercised in factories producing new drugs.

Makes recommendations concerning withdrawal of approval of the NDA.

Evaluates, for safety and efficacy, Antibiotic Form 5's submitted by manufacturers for permission to market new antibiotic drugs. Takes action concerning antibiotic and insulin samples submitted for certification.

Reviews and takes action on requests for exemption from antibiotic certification.

Recommends and reviews the preparation of regulations concerning the antibiotic and insulin certification program.

(ii) *Division of Cardio-Renal Drug Products.* Performs the following functions with regard to drugs classified as cardio-renal drugs:

Reviews notices of claimed exemption for investigational new drugs (IND's) and recommends action to restrict or stop further testing.

Evaluates adequacy of directions for use and warning against misuses appearing in proposed labeling.

Evaluates, for safety and efficacy, new-drug applications (NDA's) submitted by manufacturers for permission to market new drugs.

Conducts continuing surveillance and medical evaluation of the labeling, clinical experience, and reports submitted by an applicant under the records and reports requirements of all drugs for which a new-drug approval is in effect.

Evaluates manufacturing and laboratory methods, facilities, and controls exercised in factories producing new drugs.

Makes recommendations concerning withdrawal of approval of the NDA.

(iii) *Division of Surgical-Dental Drug Products.* Performs the functions as described above with regard to drugs classified as surgical-dental drug products.

(iv) *Division of Metabolism and Endocrine Drug Products.* Performs the functions as described above with regard to drugs classified as metabolism and endocrine drug products.

(v) *Division of Neuropharmacological Drug Products.* Performs the functions as described above with regard to drugs classified as neuropharmacological drug products.

(vi) *Division of Oncology and Radiopharmaceutical Drug Products.* Performs

the functions as described above with regard to drugs classified as oncology and radiopharmaceutical drug products.

(vii) *Division of Pulmonary-Allergy-Anesthesiology Drug Products.* Performs the functions as described above with regard to drugs classified as pulmonary, allergy, and anesthesiology drug products.

Dated: March 1, 1972.

STEVE D. KOHLERT,  
Acting Deputy Assistant  
Secretary for Management.

[FR Doc.72-3477 Filed 3-7-72;8:47 am]

## ATOMIC ENERGY COMMISSION

[Docket No. 50-309]

### MAINE YANKEE ATOMIC POWER CO.

#### Supplementary Notice of Hearing on Operating License Application

On November 9, 1971, a notice of hearing on a facility operating license was published by the Atomic Energy Commission (the Commission) in the FEDERAL REGISTER (36 F.R. 21421) in the captioned proceeding. That notice designated an Atomic Safety and Licensing Board (Board) to conduct the hearing, specified the issues to be determined by the Board, provided for intervention by certain petitioners with respect to those issues, and provided an opportunity to make limited appearances to other persons who wished to make a statement in the proceeding but who did not wish to intervene.

On September 9, 1971, the Commission published a revision of its regulations in 10 CFR Part 50, Appendix D, "Implementation of the National Environmental Policy Act of 1969" (36 F.R. 18071), to set forth an interim statement of Commission policy and procedure for implementation of the National Environmental Policy Act of 1969 (NEPA).<sup>1</sup> The revised regulations require the consideration of additional matters in applicants' Environmental Reports and in detailed statements of environmental considerations and provide for determination by the presiding Atomic Safety and Licensing Boards in pending proceedings of specified issues in addition to and different from those previously in issue in AEC licensing proceedings.

Notice is hereby given, pursuant to 10 CFR Part 2, rules of practice, and Appendix D of 10 CFR Part 50, "Licensing of Production and Utilization Facilities," that in the conduct of the captioned proceeding, the Atomic Safety and Licensing Board will consider and determine, in

<sup>1</sup> The Commission has since adopted certain amendments to revised Appendix D which were published in the FEDERAL REGISTER on September 30, 1971 (36 F.R. 19158), November 11, 1971 (36 F.R. 21579), and January 20, 1972 (37 F.R. 864).

addition to the issues pertaining to radiological health and safety and the common defense and security specified for hearing in the notice of hearing in this proceeding published November 9, 1971, and pursuant to the National Environmental Policy Act of 1969, any matter in controversy with respect to whether, in accordance with the requirements of Appendix D of 10 CFR Part 50, the operating license should be issued as proposed.

If matters covered by Appendix D of 10 CFR Part 50 are in issue, the Board will, in accordance with section A.11 of Appendix D of 10 CFR Part 50, in addition to deciding any matters in controversy among the parties with respect to those matters: (1) Determine whether the requirements of section 102(2) (C) and (D) of NEPA and Appendix D of 10 CFR Part 50 of the Commission's regulations have been complied with in this proceeding; and (2) independently consider the final balance among conflicting factors covered by Appendix 10 to 10 CFR Part 50 and contained in the record of the proceeding with a view toward determining the appropriate action to be taken. On the basis of the foregoing, a determination will be made whether the operating license should be granted, denied, or appropriately conditioned to protect environmental values. This notice supersedes the notice of hearing published on November 9, 1971, with respect to matters which may be raised under paragraph A.11 of Appendix D of 10 CFR Part 50, but does not affect the status of any person previously admitted as a party to this proceeding or provide an additional opportunity to any person to intervene on the basis of, or to raise matters encompassed within, the issues pertaining to radiological health and safety and the common defense and security specified for hearing in the prior above-referenced notice of hearing.

While the matter of the full power operating license is pending before the Board, the applicant may make a motion in writing pursuant to § 50.57(c) of 10 CFR Part 50 for an operating license authorizing low power testing (operation at not more than 1 percent of full power for the purpose of testing the facility) and further operations short of full power operation. The Board may grant the motion upon finding that the proposed licensing action will not have a significant, adverse impact on the quality of the environment and upon satisfaction of the requirements of § 50.57(c) of 10 CFR Part 50. In addition, the Board may grant a motion, pursuant to § 50.57(c) of 10 CFR Part 50, upon satisfaction of the requirements of that paragraph, after consideration and balancing of the following factors:

(a) Whether it is likely that limited operation during the prospective review period will give rise to a significant, adverse impact on the environment; the nature and extent of such impact, if any; and whether redress of any such adverse environmental impact can reasonably be effected should modification or termination of the limited license result from



the ongoing NEPA environmental review.

(b) Whether limited operation during the prospective review period would foreclose subsequent adoption of alternatives in facility design or operation of the type that could result from the ongoing NEPA environmental review.

(c) The effect of delay in facility operation upon the public interest. Of primary importance under this criterion are the power needs to be served by the facility; the availability of alternative sources, if any, to meet those needs on a timely basis; and delay costs to the licensee and to consumers.

Operation beyond twenty percent (20%) of full power will not be authorized except on specific approval of the Commission, upon the Commission's finding that an emergency situation or other situation requiring such operation in the public interest exists.

Prior to taking any action on a motion pursuant to § 50.57(c) of 10 CFR Part 50, which any party opposes, the Board shall, with respect to the contested activity sought to be authorized, make findings on the issues specified in the notice of hearing published on November 9, 1971, and will determine whether the proposed licensing action will have a significant, adverse impact on the quality of the environment or make findings on the factors specified above, as appropriate, in the form of an initial decision. If the license is one which requires the specific approval of the Commission, the Board will certify directly to the Commission, for determination, without ruling thereon, the matter of whether operation beyond twenty percent (20%) of full power should be authorized.

Any license issued pursuant to the foregoing will be without prejudice to subsequent licensing action which may be taken by the Commission with regard to the environmental aspects of the facility and will be conditioned to that effect.

As they become available, any new or supplemental environmental report, and any new or supplemental detailed statement required by Appendix D of 10 CFR Part 50 will be placed in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., where they will be available for inspection by members of the public. Copies of those documents will also be made available at the Wiscasset Public Library Association, High Street, Wiscasset, Maine, for inspection by members of the public between the hours of 2 p.m. and 5:30 p.m., Monday through Saturday, and also on Thursdays from 7 p.m. to 9 p.m. A copy of any new or supplemental detailed statement prepared and, to the extent of supply, a copy of any new or supplemental environmental report filed, may be obtained, when available, by request to the Director of the Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Any person who wishes to make an oral or written statement in this proceeding setting forth his position on the issues specified in this notice, but who does not wish to file a petition for leave to intervene, may request permission to make a

limited appearance pursuant to the provisions of 10 CFR 2.715 of the Commission's rules of practice. Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, not later than thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER.

Any person whose interest may be affected by the proceeding who does not wish to make a limited appearance and who wishes to participate as a party in the proceeding with respect to the issues set forth in this notice, must file a petition for leave to intervene.

Petitions for leave to intervene, pursuant to the provisions of 10 CFR 2.714 of the Commission's rules of practice, must be received in the Office of the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., not later than thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER. The petition shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by Commission action, and the contentions of the petitioner in reasonably specific detail. A petition which sets forth contentions relating to matters outside of the issues specified in this notice will be denied. A petition for leave to intervene which is not timely will be denied unless, in accordance with 10 CFR 2.714, the petitioner shows good cause for failure to file it on time.

A person permitted to intervene becomes a party to the proceeding, and has all the rights of the applicant and the regulatory staff to participate fully in the conduct of the hearing. For example, he may examine and cross-examine witnesses. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified in the issues set out above. A member of the public does not have the right to participate unless he has been granted the right to intervene as a party or the right of limited appearance.

An answer to this notice, or amended answer with respect to the issues specified in this notice, must be filed by the applicant, pursuant to the provisions of 10 CFR 2.705 of the Commission's rules of practice, not later than twenty (20) days from the date of publication of this notice in the FEDERAL REGISTER. Parties already participating in this proceeding as intervenors with respect to the issues specified in the notice of hearing published November 9, 1971, must also file an answer with respect to the issues specified in this notice not later than twenty (20) days from the date of publication

of this notice in the FEDERAL REGISTER, in accordance with the requirements of 10 CFR 2.705 of the Commission's rules of practice.

Answers and petitions required to be filed in this proceeding may be filed by telegram addressed to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

The date and place of hearings will be set by subsequent order of the Board and notice thereof will be provided to the parties, including persons granted leave to intervene on issues set forth in this notice, and will be published in the FEDERAL REGISTER. In setting these dates, due regard will be had for the convenience and necessity of the parties or their representatives, as well as Board members.

Dated at Germantown, Md., this 2d day of March 1972.

For the Atomic Energy Commission.

W. B. McCool,  
Secretary of the Commission.

[FR Doc.72-3444 Filed 3-7-72;8:45 am]

[Docket No. 50-301]

## WISCONSIN ELECTRIC POWER CO. AND WISCONSIN MICHIGAN POWER CO.

### Order of the Board Concerning Reconvening of Hearing

In the matter of Wisconsin Electric Power Co., and Wisconsin Michigan Power Co. (Point Beach Nuclear Plant, Unit 2).

The evidentiary hearing in the above captioned matter to reconvene on March 21, 1971, at 10 a.m. will be at the following location:

City Council Chambers, 817 Franklin Street,  
Manitowoc, WI 54220.

Issued: March 2, 1972.

ATOMIC SAFETY AND LICENSING BOARD,  
ROBERT M. LAZO,  
Chairman.

[FR Doc.72-3443 Filed 3-7-72;8:45 am]

## CIVIL AERONAUTICS BOARD

[Docket No. 24164]

### CAPITOL INTERNATIONAL AIRWAYS, INC.

#### Notice of Prehearing Conference Regarding Baggage Liability

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on March 23, 1972, at 10 a.m., local time, in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Henry Whitehouse.



In order to facilitate the conduct of the conference parties are instructed to submit to the Examiner and other parties (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Economics will circulate its material on or before March 15, 1972, and the other parties on or before March 20, 1972. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Economics.

Dated at Washington, D.C., March 2, 1972.

[SEAL]

RALPH L. WISER,  
Chief Examiner.

[FR Doc.72-3495 Filed 3-7-72;8:51 am]

[Docket No. 23652]

### GOLDEN WEST AIRLINES, INC., AND LOS ANGELES AIRWAYS, INC.

#### Notice of Hearing Regarding Acquisition Agreement

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding, originally scheduled for March 7, 1972 (34 F.R. 892) but subsequently postponed pending further notice (37 F.R. 3925), will be held on March 27, 1972, at 10 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Harry H. Schneider.

For details of the issues involved in this proceeding, interested persons are referred to the Prehearing Conference Report served on September 24, 1971, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., March 3, 1972.

[SEAL]

HARRY H. SCHNEIDER,  
Hearing Examiner.

[FR Doc.72-3496 Filed 3-7-72;8:51 am]

[Docket No. 24090; Order 72-3-5]

#### WTC AIR FREIGHT

#### Order Vacating Suspension and Dismissing Investigation Regarding Increased General and Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 2d day of March 1972.

By Orders 71-12-141 and 72-1-38, dated December 30, 1971, and January 13, 1972, respectively, the Board suspended and instituted an investigation of increased rates and charges proposed by WTC Air Freight (WTC), an air freight forwarder, marked to become effective January 1, 14, or 21, 1972. The order was issued essentially upon the basis that WTC had not presented adequate justification that the proposed increases were within the stabilization guidelines

or otherwise consistent with the purpose of the Economic Stabilization Act of 1970 as required by Board Order 71-11-97 of November 24, 1971. The order noted that (1) the profit margins shown differed significantly from those computed from the Form 244 reports and (2) in its reconstruction of financial results to reflect the proposed increases, WTC had neglected the rate increases effective November 15, 1971.

In a petition for reconsideration as amended,<sup>1</sup> WTC submits data and information which the Board finds meet the matters raised in Orders 71-12-141 and 72-1-38, supra. The forwarder presents an actual profit-and-loss statement for 1971 and a projected profit-and-loss statement for 1972. The 1972 projection contains revenues (including the rate increases effective November 15, 1971) both including and excluding the suspended rate increases. Also shown are data on expenses and traffic volume.

WTC declares that the above projections are based on a station-by-station analysis of traffic growth in 1971, plus projections of salesman productivity and salesmen to be added. The 1972 revenues are based on a yield of \$31 per 100 pounds, which is close to the experienced yield at the end of 1971. The forecast expenses assume that the spread between airport-to-airport revenues and airline cost will increase in each quarter of 1972 by 0.5 percent, thus reflecting productivity gains. Only contractual labor costs effective on or before January 31, 1972, are considered.

The forwarder finally declares that the suspended proposals are the minimum required to provide "a continuing air forwarder service and a controlled expansion of such service" and "will achieve the minimum rate of return or profit margin needed to attract capital at reasonable costs and not impair the credit of WTC." The forwarder compares its projected operating profit margin of 3.57 percent for 1972 from domestic air forwarding operations with the margin of 1.59 percent for 1971 and with the average margin of 3.80 percent for 1968 and 1969, representing the highest 2 of the past 3 years. WTC had previously asserted that it had informed the Office of Emergency Preparedness of the proposed increases.

No answers to WTC's petition were received.

Upon consideration of all relevant factors, the Board has concluded to vacate the suspension and dismiss the investigation instituted by Orders 71-12-141 and 72-1-38, supra, in Docket 24090.

The increases are modest, both individually and in the aggregate. Data furnished by the carrier indicate that, even with the higher rates, its 1972 earnings will not be out of line with earnings in previous years, and will not be unreasonably high. In short, in light of the data submitted we have no basis to conclude that the proposed rates may be unreasonable or otherwise unlawful.

<sup>1</sup> Filed on Jan. 11, 1972, and amended on Feb. 8, 1972.

The price stabilization regulations, in effect on January 17, 1972,<sup>2</sup> provide that a public utility may charge a price in excess of that in effect January 16, 1972, if the Price Commission does not make a negative finding on any of the following criteria: The increase is cost-based and does not reflect inflationary expectations; is the minimum needed to assure continued, adequate, and safe service, or to provide for necessary expansion; will achieve the minimum rate of return or profit margin needed to attract capital at reasonable costs and not impair the credit of the public utility; has been certified as required; and is, in the opinion of the Price Commission, consistent with its goals. The rules also require each regulatory agency to certify, with respect to each price increase it approves, the former price and the percentage of the increase; the dollar amount of the increase; the amount by which the public utility's profit margin or rate of return as a percentage of sales will be increased; that in its proceedings sufficient evidence was taken to determine whether the Price Commission's criteria are or not met; and that the price increase does or does not meet these requirements.

In accordance with the above requirements and based on the record before it, the Board hereby certifies the following:

1. By tariff revisions<sup>3</sup> filed on several dates beginning with December 1, 1971, and marked to become effective January 1, 14, or 24, 1972, WTC proposed to increase its general and specific commodity rates applicable generally between the points served by it within the United States by an average of approximately 2½ percent, ranging up to 7 percent.

2. Based upon traffic volume estimated for the entire calendar year of 1972, the increased rates are forecast to raise WTC's revenues for that year by about \$861,000, or 2.5 percent.

3. The increased rates are forecast to result in a profit margin before taxes of 3.57 percent of revenues, as compared with 1.54 percent without the increased rates.

4. The record provides sufficient evidence to conclude that:

a. The increase proposed is cost-based and does not reflect future inflationary expectations;

b. The increase is the minimum required to assure continued, adequate, and safe service and to provide for necessary

<sup>2</sup> 37 F.R. 652, Jan. 14, 1972, § 300.16. The Board notes the provisions of current decisions and price stabilization regulations which reserve to the Price Commission the authority to delay, suspend, or modify all or part of the increases pending further action as provided therein. See CFR 300.16 and Price Commission decision issued Feb. 10, 1972, 37 F.R. 3094, Feb. 11, 1972, which prohibits increases in utility rates until Mar. 10, 1972, or until the Commission implements revised regulations, whichever comes first.

<sup>3</sup> Tariffs CAB Nos. 5 and 7, issued by WTC. The effectiveness of these tariffs was suspended through Mar. 30 or Apr. 12, 1972, by Order 71-12-141 and 72-1-38, respectively.



expansion to meet future requirements;<sup>4</sup> and

c. The increase will achieve the minimum profit margin to attract capital at reasonable costs and not impair WTC's credit.<sup>5</sup>

In view of the foregoing considerations, the Board finds that there is no basis to continue the investigation previously initiated in this docket and accordingly it will be dismissed and the suspension vacated.

Accordingly, it is ordered, That:

1. The suspension of increased rates, charges, and provisions in Orders 71-12-141 and 72-1-38, dated December 30, 1971, and January 13, 1972, respectively, in Docket 24090 is vacated and the investigation instituted in that docket is dismissed;<sup>6</sup> and

2. A copy of this order shall be filed with the tariffs and served upon WTC Air Freight.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,  
Secretary.

[FR Doc. 72-3494 Filed 3-7-72; 8:50 am]

[Docket No. 24110; Order 72-3-4]

#### AIRBORNE FREIGHT CORP.

#### Order Vacating Suspension and Dismissing Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the second day of March 1972.

By Order 72-1-25, dated January 11, 1972, the Board suspended and instituted an investigation of increased rates and charges proposed by Airborne Freight Corp. (Airborne), an air freight forwarder, marked to become effective January 12, 1972. The order was issued essentially upon the basis that Airborne had not presented adequate justification that the proposed increases were within the stabilization guidelines or otherwise

<sup>4</sup> The Board has not heretofore established a rate of return for air freight forwarders and has not deemed it appropriate to do so, in view of the Board's long-standing policy of free entry into the air freight forwarding field and the resultant forces of competition which operate on the many entrants in this field. Accordingly, we are not in a position to apply a rate of return analysis to this segment of the air transportation industry.

<sup>5</sup> On the basis of information before us, it appears that if the increases here sought were not permitted the profit margins which would result would be substantially below that other freight forwarders will achieve, and this fact would be relevant to potential lenders of capital. Accordingly, we conclude that the profit margin here sought is not excessive.

<sup>6</sup> The increased rates, charges, and provisions permitted by this order will be effective upon the filing of appropriate tariff revisions as required by Part 221 of the Board's Economic regulations but on not less than ten days' notice, and in no case to be effective prior to Mar. 10, 1972, unless otherwise permitted by the Board.

consistent with the purpose of the Economic Stabilization Act of 1970 as required by Board Order 71-11-97 of November 24, 1971. The order noted that the forwarder's forecast profit-and-loss statement for 1972 was without factual support, that the estimates of additional costs associated with terminal facilities and cartage services appeared to be in part inappropriate as justification for the increased airport-to-airport rates proposed, and that no indication was presented of the effect of productivity gains upon the cost increases claimed.

In a petition for reconsideration as amended,<sup>1</sup> Airborne submits data and information which the Board finds meet the matters raised in Order 72-1-25. It presents detailed support of its 1972 forecast profit-and-loss statement, setting forth the bases for the increased revenues and expenses projected. These bases include historical trends in traffic volume, previous relationships between expenses of various types of traffic, wage contracts and leases signed, etc. The forwarder declares that the cartage cost increases claimed also cover higher clerical and dock personnel expenses, which apply to airport-to-airport movements. Because of this and other reasons, the forwarder claims that the increase in terminal costs is a factor warranting the proposed higher rates for airport-to-airport service. Airborne also makes adjustments in costs to reflect productivity gains in pick-up and delivery and terminal facility operations.

Airborne, finally, declares that the proposed rate increases (1) are the minimum required to assure continued, adequate, and safe service and to provide for necessary expansion and (2) will achieve the minimum profit margin needed to attract capital at reasonable costs and not to impair its credit. The forwarder compares its projected pretax profit margin of 2.83 percent of revenues for 1972 with the average of 4.08 percent for 1970 plus the first 11 months of 1971. Airborne asserts that, even with its prior profit margin, it has found it difficult not only to open new stations but even to maintain its present station level in order to meet the demands of existing customers. According to the forwarder, the projected profit margin for 1972 would be the absolute minimum amount needed for capital infusion and is necessary so as not to impair its credit with both the financial community and its major creditors. Airborne had asserted that it had informed the Price Commission of the proposed rates.

No answers to Airborne's petition were received.

Upon consideration of all relevant factors, the Board has concluded to vacate the suspension and dismiss the investigation instituted by Order 72-1-25 in Docket 24110.

The increases are modest, both individually and in the aggregate. Data furnished by the carrier indicate that, even

<sup>1</sup> Filed on Jan. 21, 1972, and amended on Feb. 1, 1972.

with the higher rates, its 1972 earnings will be below last year's as a consequence of higher costs of doing business, and will not be unreasonably high. In short, in light of the data submitted we have no basis to conclude that the proposed rates may be unreasonable or otherwise unlawful.

The price stabilization regulations, in effect as of January 17, 1972<sup>2</sup> provide that a public utility may charge a price in excess of that in effect January 16, 1972, if the Price Commission does not make a negative finding on any of the following criteria: The increase is cost-based and does not reflect inflationary expectations; is the minimum needed to assure continued, adequate, and safe service, or to provide for necessary expansion; will achieve the minimum rate of return or profit margin needed to attract capital at reasonable costs and not impair the credit of the public utility; has been certified as required; and is, in the opinion of the Price Commission, consistent with its goals. The rules also require each regulatory agency to certify, with respect to each price increase it approves, the former price and the percentage of the increase; the dollar amount of the increase; the amount by which the public utility's profit margin or rate of return as a percentage of sales will be increased; that in its proceedings sufficient evidence was taken to determine whether the Price Commission's criteria are or are not met; and that the price increase does or does not meet these requirements.

In accordance with the above requirements and based on the record before it, the Board hereby certifies the following:

1. By tariff revisions<sup>3</sup> filed December 10, 1971, and marked to become effective January 12, 1972, Airborne proposed to increase its general and specific commodity rates applicable generally between the points served by it within the United States and Puerto Rico as follows:

a. Increase its general commodity rates by approximately 2 percent;

b. Add a \$3 minimum charge per shipment to specific commodity rates that are currently not subject to a minimum charge;

c. Increase currently effective specific commodity minimum charges by \$1 per shipment; and

d. Increase specific commodity rates for shipments under 100 pounds generally by 20 percent.

2. Based upon traffic volume estimated for the entire calendar year of 1972, the

<sup>2</sup> 37 F.R. 652, Jan. 14, 1972, § 300.16. The Board notes the provisions of current decisions and price stabilization regulations which reserve to the Price Commission the authority to delay, suspend or modify all or part of the increases pending further action as provided therein. See CFR 300.16 and Price Commission decision issued February 10, 1972, 37 F.R. 3094, Feb. 11, 1972, which prohibits increases in utility rates until Mar. 10, 1972, or until the Commission implements revised regulations, whichever comes first.

<sup>3</sup> Tariffs CAB Nos. 33 and 34 issued by Airborne. The effectiveness of these tariffs was suspended through Apr. 10, 1972, by Order 72-1-25.



increased rates are forecast to raise Airborne's revenues for that year by \$1.2 million, or an average of 1.46 percent.

3. The increased rates are forecast to result in a profit margin before taxes of 2.83 percent of revenues, as compared with 3.46 percent for the first 11 months of 1971.<sup>4</sup>

4. The record provides sufficient evidence to conclude that:

a. The increase proposed is cost-based and does not reflect future inflationary expectations;

b. The increase is the minimum required to assure continued, adequate, and safe service and to provide for necessary expansion to meet future requirements<sup>5</sup>; and

c. The increase will achieve the minimum profit margin to attract capital at reasonable costs and not impair Airborne's credit.<sup>6</sup>

In view of the foregoing considerations, the Board finds that there is no basis to continue the investigation previously initiated in this docket and accordingly it will be dismissed and the suspension vacated.

Accordingly, it is ordered, That:

1. The suspension of increased rates, charges, and provisions in Order 72-1-25, dated January 11, 1972, in Docket 24110 is vacated and the investigation instituted in that docket is dismissed;<sup>7</sup>

2. A copy of this order shall be filed with the tariffs and served upon Airborne Freight Corp.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL]

HARRY J. ZINK,  
Secretary.

[FR Doc. 72-3493 Filed 3-7-72; 8:50 am]

<sup>4</sup> These are the figures in the petition for reconsideration. In a letter amplifying its original justification, Airborne forecast that the profit margin for 1972 before taxes would amount to 2.72 percent of revenues after the rate increase, while the figure without the rate increase would be 1.40 percent.

<sup>5</sup> The Board has not heretofore established a rate of return for airfreight forwarders and has not deemed it appropriate to do so, in view of the Board's long-standing policy of free entry into the air freight forwarding field and the resultant forces of competition which operate on the many entrants in this field. Accordingly, we are not in a position to apply a rate of return analysis to this segment of the air transportation industry.

<sup>6</sup> On the basis of information before us, it appears that if the increases here sought were not permitted the profit margins which would result would be substantially below that other freight forwarders will achieve, and this fact would be relevant to potential lenders of capital. Accordingly, we conclude that the profit margin here sought is not excessive.

<sup>7</sup> The increases rates, charges, and provisions permitted by this order will be effective upon the filing of appropriate tariff revisions as required by Part 221 of the Board's economic regulations but on not less than 10 days' notice, and in no case be effective prior to March 10, 1972 unless otherwise permitted by the Board.

## FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19260; FCC 72-207]

### FAIRNESS DOCTRINE AND PUBLIC INTEREST STANDARDS

#### Order Regarding Oral Argument "En Banc" and Handling of Public Issues

In the matter of the handling of public issues under the fairness doctrine and the public interest standards of the Communications Act, Docket No. 19260.

1. On June 11, 1971, the Commission released its Notice of Inquiry in this proceeding instituting a broad-ranging study of the Fairness Doctrine and related public interest policies (36 F.R. 11825). We divided the Inquiry into four parts:

II. The Fairness Doctrine Generally.

III. Access to the Broadcast Media as a Result of Carriage of Product Commercials.

IV. Access Generally to the Broadcast Media for the Discussion of Public Issues.

V. Application of the Fairness Doctrine to Political Broadcasts.

By March 15, 1972, we expect that all comments and reply comments will have been submitted in response both to the June 11, 1971 notice of inquiry (36 F.R. 11825) and our further notice of inquiry, released March 3, 1972, requesting comments on the issue (under Part IV of the June 11 notice of inquiry) of access under the public interest standard of the Communications Act.<sup>1</sup>

2. We indicated in the June 9, 1971, notice of inquiry that, in view of the importance of the subject matter, we intend to employ special procedures to assist us in resolving the difficult issues involved. We have decided to utilize both the customary oral presentations to the Commission "en banc" by interested parties or their representatives and, in addition, a series of panel discussions by knowledgeable persons directed to some of the important questions presented by our two notices and the responses to these notices which we have received. We are following this course because we found it to be of substantial benefit when we utilized it for the first time in connection with the proceedings on cable television. (See orders released February 4, 1971, and March 8, 1971, in "Community Antenna Television Systems," Docket No. 18397-A et al., 27 FCC 2d 303, 27 FCC 2d 932). In that proceeding we embarked upon the novel course of using panel discussions as a mechanism for sharpening the issues in the give and take of a form of discussion which is not available in the normal oral argument form of presentation. Since the panels fulfilled our expectations in the cable television proceeding, they should also

<sup>1</sup> The further notice of inquiry stated that comments on Part IV should be directed to the statutory public interest aspect of access rather than constitutional arguments.

be of benefit in the complex fairness area.

3. The issues for panel discussion will be as follows:

#### PART II

1. Is the Fairness Doctrine serving its basic purpose of promoting robust, wide open, and reasonably balanced debate on important public issues? Does it, in practice, encourage or inhibit the presentation of controversial programming? Does it, in practice, constitute undue Government intrusion in licensee discretion or, on the contrary, inadequate Government assurance that controversial issues are covered and covered fairly? What changes, if any, should be made by the Commission or by way of recommendations to Congress (i.e., what specific statutory amendments are required)?

2. If the Fairness Doctrine is fundamentally sound, what policies and procedures could be instituted to improve its efficacy?

(a) What policy and procedure should be employed by the Commission in determining whether a complaint warrants referral to the licensee? What burden should be placed on the complainant to make a showing of unfairness before the licensee is obligated to demonstrate compliance with the Fairness Doctrine (i.e., "Letter to Mr. Allen Phelps," 21 F.C.C. 2d 12 (1969))?

(b) What policy and procedure should be employed by the Commission in determining whether the licensee has afforded "reasonable opportunity for the discussion of conflicting views on issues of public importance" (Section 315(a))?

Should the licensee be required to furnish recordings or transcripts of all program matter (including all pertinent news items) dealing with the issue in question over a considerable period of time?

Should the Commission establish some minimum ratio of viewpoint to viewpoint which is necessary to achieve fairness (e.g., 2 to 1, 3 to 1, 5 to 1, etc.)? Is any such "stop-watch" technique appropriate?

Can the Commission accurately review a licensee's judgment as to how programming segments should be categorized (e.g., pro, anti, neutral)?

Should factors other than quantity of time be considered (e.g., frequency of presentation, probable audience for the time periods employed, timing of the broadcast in relation to the crucial event involved, i.e., election, decision, vote, etc.)?

Should the Commission instead adopt a test of whether or not the broadcasting audience of a particular station has been afforded the opportunity of being reasonably informed, on an overall basis, on issues of public importance (e.g., "Green v. F.C.C.," 447 F. 2d 323 (D.C. Cir. 1971))? If so, how should such a standard be determined and applied?

(c) What policy and procedure should the Commission employ in ruling on Fairness Doctrine complaints?

How should the Commission determine whether a controversial issue of public importance is involved?

Should there be a time limitation of filing fairness complaints against a licensee and, if so, how long? How would such a procedure work with continuing issues?

Should the Commission defer action on fairness complaints until renewal, at which time the Commission would consider the licensee's overall performance? Can revised renewal policies and procedures (e.g., such as those proposed in Docket No. 19153) contribute in any way to insuring compliance with the Fairness Doctrine?

Would periodic reviews at intervals shorter than 3 years be preferable and, if so, how long?



If any such "deferred ruling" procedure is employed, how would fairness be insured on individual issues?

Should an exception be made for urgent matters (e.g., elections, referenda, etc.)?

(d) Does the doctrine deal effectively with brief, peripheral, or subsidiary reference to a controversial matter (e.g., "In Re Petition by NBC for Reconsideration of Ruling regarding Aircraft Owners and Pilots Association," 25 F.C.C. 2d 735 (1970))?

(e) Do the personal attack and editorializing rules serve their intended purpose or do they inhibit free and open discussion?

(f) What change, if any, should be made with respect to the licensee's affirmative obligation to encourage and implement the presentation of contrasting viewpoints?

(g) Should the "Cullman doctrine" (Cullman Broadcasting Co., 40 F.C.C. 576 (1963)) be expanded or restricted in any way?

(h) Should the Commission impose forfeitures for Fairness Doctrine violations?

3. Does the Fairness Doctrine serve the public interest in its application to news?

4. Is the Fairness Doctrine necessary for all categories of broadcast licensees?

5. What is the relationship of this part of the inquiry to the other parts? Specifically, what policies, if any, concerning access to the broadcast media might properly and feasibly be evolved under the public interest standard of the Communications Act, and what would be their relationship to, and effect upon, present or proposed Fairness Doctrine policies?

#### PART III

##### BASIC QUESTIONS

1. Under the Fairness Doctrine, or alternatively a public interest standard, should time—either on a free or paid basis—be afforded by the broadcaster for the carriage of so-called countercommercial or other countercommercial programming?

2. Would the purposes of the Fairness Doctrine, designed as it is to illumine significant controversial issues, be served by requiring countercommercial? Is the public interest so served (e.g., do spot announcements add substantially to public knowledge; is repetition a significant factor to be considered)?

##### SPECIFIC QUESTIONS

3. If the broadcaster sells time for the promotion of products and services, must he also sell time to those who wish to argue against public use of these same products or services (cf., "Retail Store Employees Union, Local 880 v. F.C.C.," 436 F. 2d 248 (D.C. Cir. 1970))? If so, what would be the predictable effect on the continued carriage of product commercials and thus on the continued economic health and growth of the commercial broadcasting system? If not, what would be the predictable effect on the public interest?

4. Should the "Cigarette Advertising" ruling (9 F.C.C. 2d 921 (1967), aff'd, "Banzhaf v. F.C.C.," 405 F. 2d 1082 (D.C. Cir. 1968) cert. den. sub nom. "Tobacco Institute v. F.C.C.," 396 U.S. 842 (1968)), involving free time, be expanded to cover additional product commercials or should it be abandoned? If the former, what would be the predictable effect on the continued broadcast carriage of product commercials and thus on the economic health and growth of the commercial broadcasting system? What would be the effect if commercial time were reduced, for example, by 20 percent to accommodate countercommercial? If the latter, what would be the predictable effect on the public interest? Should "Cigarette Advertising" be replaced by some alternative policy and, if so, specifically what policy?

5. Is there some workable standard for distinguishing various categories of product commercials to which "Cigarette Advertising" would or would not apply?

(a) For example, should it apply only to commercials which explicitly present arguments on controversial issues of public importance?

(b) As to all other commercials, should there be a presumption that product advertisements do not raise controversial issues of public importance, a presumption which would be rebuttable only by compelling evidence to the contrary?

6. Assuming the application of the Fairness Doctrine to product commercials, should it apply only to the text of the advertisement or also to any controversy surrounding the use of the product advertised?

7. Are new or different FCC standards required in connection with false or misleading advertising? What should be the effect of consumer complaints, or the filing of a FTC complaint, that a particular advertisement is in some way false or misleading?

8. Are there any methods of providing "access" for the discussion of countercommercial content other than requiring acceptance by licensees of individual countercommercial (e.g., requiring blocks of time for discussion-format programs on commercials)?

9. Should the "Cullman" doctrine be applicable to countercommercial themselves or other countercommercial programming?

10. What specific Constitutional considerations, if any, are relevant to this part of the inquiry?

#### PART IV

Our position here has been set forth in an order and further notice, issued March 3, 1972 (FCC 72-194). Consideration of the Constitutional issues arising from the Court's decision in "Business Executives' Move for Vietnam Peace v. F.C.C.," \_\_\_\_\_ U.S. App. D.C. \_\_\_\_\_, 450 F. 2d 642 (1971) (see paragraph 4 of the further Notice of February 3, 1972) must await the Supreme Court's decision. Indeed, we have made clear that the entire Part IV access area may be resolved in light of the Supreme Court's action. We have, however, afforded interested parties the opportunity to advance considerations germane to access under the public interest standard and their relation to present or proposed Fairness Doctrine policies. (See order and further notice, paragraph 2, FCC 72-194; paragraph 19, notice of inquiry, FCC 71-623). We believe that the oral proceedings should also afford an opportunity to address this issue. We therefore have included it in the general fairness panels (see Question 5, Part II).

#### PART V

1. Should the Commission revise or clarify its interpretation of the Fairness Doctrine with respect to Presidential appearances (see "Democratic National Committee, et. al.," 31 FCC 2d 708 (1971), aff'd, "Democratic National Committee v. F.C.C.," \_\_\_\_\_ U.S. App. D.C. \_\_\_\_\_, F. 2d \_\_\_\_\_, Case No. 71-1637, decided February 2, 1972)? Should any such revision or clarification be extended to other important public officials (e.g., Governors, mayors, etc.)?

2. Should the quasi-equal opportunities approach (e.g., "Letter to Mr. Nicholas Zapple," 23 F.C.C. 2d 707 (1970)) be restricted or expanded, and what is the feasibility and effect of any proposed revision on the underlying policies of the statute (see section 315(a))?

Should the Commission adopt a position that "Zapple" applies only to political campaigns and not to other times?

Should "Zapple" be disassociated from the Fairness Doctrine and incorporated into section 315?

Should "Zapple" be limited by applying a 7-day deadline for requesting "quasi-equal opportunities"?

Should "Zapple" continue to apply only to major parties (see "Letter to Lawrence M. C.

Smith," 25 R.R. 291 (1963)), or should it be extended to all parties or to some mathematically defined category of "parties with substantial public support" (e.g., percentage of popular vote)? How should it apply to "new" parties?

Should "Zapple" be extended to include spokesmen for ballot issues such as bond issues, amendments of state constitutions, etc.?

3. What is the effect of the new Federal Campaign Spending Act (Public Law 92-225) on political broadcasts (and particularly section 103(a)(2)(A) of the Act which requires broadcast licensees to allow reasonable access to their facilities by candidates for federal elective office)?

4. What should the Commission do to encourage the widest possible coverage of political campaigns?

a. What should the Commission do to foster free time for political broadcasts? What Commission rule revisions, if any, would be helpful? What statutory amendments, if any, would be necessary?

b. Are there constructions of the news exemptions in section 315(a) that are available to the Commission and would further the goal of enhancing appearances by political candidates?

4. In order to avail ourselves of a wide range of views by knowledgeable persons, from both within and without the industry, we will select panelists by invitation. To a considerable extent, we shall take into account the filings of interested persons or groups in making our selection.

5. As stated above, we also expect to hold an "en banc" oral argument in which all interested persons who have filed comments or reply comments may participate. Persons wishing to be heard should submit notices of appearance within 5 days of the release of this order, stating whether they wish to address all of the four main subjects referred to in paragraph 1 above or, if not, which of the four areas they intend to address. Parties with a common viewpoint are urged to select a single spokesman in order to avoid unnecessary duplication of arguments. The Commission, by further order, will specify the order of appearance of the participating parties with appropriate grouping by subject matter; it will also announce the amount of time allocated to each participant.

6. Accordingly, it is ordered, That panel discussions will be held at Washington, D.C., during a 3-day period commencing March 27, 1972, at a location and times to be announced by subsequent order, and that oral argument will be held before the Commission "en banc" at its offices in Washington, D.C., beginning on March 30 at 9:30 a.m. and continuing on the following day. Persons desiring to participate in the oral argument shall file a notice of appearance in accordance with the terms of this order within 5 days of the date of release of this order.

Adopted: March 2, 1972.

Released: March 3, 1972.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Secretary.

[FR Doc.72-3499 Filed 3-7-72; 8:51 am]

\* Commissioners Bartley and H. Rex Lee absent.



[Docket No. 19260; FCC 72-194]

**FAIRNESS DOCTRINE AND PUBLIC INTEREST STANDARDS****Order and Further Notice of Inquiry Regarding Handling of Public Interest Standards**

In the matter of the handling of public issues under the fairness doctrine and the public interest standards of the Communications Act, Docket No. 19260.

1. The background to this order and notice is set forth in our further notice of February 3, 1972 (FCC 72-117), and will not be repeated here. This document is issued upon consideration of the Supreme Court's action on February 28, 1972, granting the petitions for writ of certiorari in "FCC v. Business Executives' Move for Vietnam Peace," Case No. 71-864, October Term, 1971, and recalling and staying the mandate issued by the Court of Appeals in "Business Executives' Move for Vietnam Peace v. FCC," ----- U.S. App. D.C. -----, 450 F. 2d 642 (1971). We had issued our further notice of February 3 precisely because the Commission was under a mandate to carry out the above-cited decision (see paragraph 3, FCC 72-117). Thus, the purpose of the nine questions posed in the further notice was to obtain views " \* \* \* on the nature and content of appropriate procedures and guidelines to be adopted by the Commission in furtherance of the Court's mandate" (paragraph 4, FCC 72-117). In view of the Supreme Court's action on February 28, 1972, we withdraw the further notice. The matters raised in that notice must await decision by the Supreme Court. Our action in this respect must be taken in the context of definitive resolution by that Court of the basic issues of the case.

2. We recognize that the Supreme Court's opinion will be most helpful in the consideration of all aspects of Part IV of the Fairness Inquiry Notice in Docket No. 19260. It may well be that no revision of access policies will be deemed appropriate by the Commission in this proceeding. But the proceeding is an overview of the entire fairness and related public interest areas, and, accordingly, some parties may wish to advance access arguments, particularly because they may bear on the positions taken in general or specific fairness areas. We think that such parties should be permitted to do so—with the understanding that final decision on their positions may be delayed and made in light of the Supreme Court's action. Specifically, parties are invited to comment on the non-Constitutional aspects of Part IV (see paragraph 19 of the notice in 19260), which may differ greatly from the issues posed in the further notice and now withdrawn. We believe that these non-Constitutional aspects of Part IV can be capsuled in the following issue: What policies, if any, concerning access to the broadcast media might properly and feasibly be evolved under the public interest standard of the Communications Act, and what would be their relationship to, and effect upon, present or proposed fairness doctrine policies. We thus

do not invite comment on what the first amendment may or may not require in this area, but rather on pertinent public interest considerations, including of course the policy of fostering robust, wide-open debate.

3. We have already afforded time for the consideration of this facet of Part IV (see paragraph 6, FCC 72-117). Further, it is desirable to have the comments filed before oral proceedings are held—and such proceedings will be scheduled for the latter part of March. In view of the time schedule and the more limited issue now posed, we believe that reply comments are unnecessary. We shall extend the filing date for comments from March 8, 1972, to March 15, 1972, so that fuller consideration can be given to the issue set forth in paragraph 2, *supra*:

4. Accordingly, it is ordered, This 2d day of March, 1972 that the further notice of inquiry (FCC 72-117) is withdrawn.

5. Pursuant to applicable procedures set forth in section 1.415 of the Commission's rules and regulations, 47 CFR 1.415 (1972), interested parties may file comments on or before March 15, 1972, on the issue set forth in paragraph 2, *supra* (and see also paragraph 19, notice in Docket No. 19260, June 9, 1971). In accordance with the provisions of § 1.419 of the rules, 47 CFR 1.419 (1972), an original and 14 copies of all comments shall be furnished the Commission. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice. Finally, the authority for this further notice is that stated in paragraph 24 of the notice in Docket No. 19260.

Adopted: March 2, 1972.

Released: March 3, 1972.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>1</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

[FR Doc.72-3498 Filed 3-7-72; 8:51 am]

**FEDERAL MARITIME COMMISSION**

[Independent Ocean Freight Forwarder  
License No. 1301]

**AMERICAN OPERATING, INC.****Order of Revocation**

By letter dated January 28, 1972, American Operating, Inc., 2700 Broening Highway, Baltimore, MD 21222, was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1301 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before February 27, 1972.

<sup>1</sup> Commissioners Bartley and H. Rex Lee absent.

Section 44(c) Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

American Operating, Inc., has failed to furnish a surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) § 7.04(g) (dated 9-29-70):

It is ordered, That the Independent Ocean Freight Forwarder License of American Operating, Inc., be returned to the Commission for cancellation.

It is further ordered, That the Independent Ocean Freight Forwarder License of American Operating, Inc., be and is hereby revoked effective February 27, 1972.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon American Operating, Inc.

AARON W. REESE,  
Managing Director.

[FR Doc.72-3483 Filed 3-7-72; 8:49 am]

**NEW YORK FREIGHT BUREAU  
(HONG KONG)****Notice of Agreement Filed**

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.



## Notice of agreement filed by:

Charles F. Warren, Esq., 1100 Connecticut Avenue, Washington, DC 20036.

Agreement No. 5700-13 is a complete revision of the original basic agreement and approved modifications of the New York Freight Bureau (Hong Kong). New matter included in this revision are Articles (2) Secretariat; (3) Meetings; (4) Quorum; (5) Votes; (6) Freight Rates; (7) Sworn Measures; (8) Prohibited Malpractices; (9) Non-Conference Representation; (14) Maintenance of Service; (15) Administrative Provisions, to include officers and duties, committees, and any additional provisions; and (16) Participation in Other Agreements.

Dated: March 3, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc.72-3484 Filed 3-7-72; 8:49 am]

## FEDERAL POWER COMMISSION

[Docket No. RP72-97]

## ALGONQUIN GAS TRANSMISSION CO.

## Order Accepting Tracking Increase for Filing, Allowing Proposed Revised Tariff Sheets To Become Effective Subject to Further Orders and Consolidating Proceedings

FEBRUARY 24, 1972.

On January 12, 1972, Algonquin Gas Transmission Co. (Algonquin) filed an increase in its charges for jurisdictional sales and services of \$192,219 annually. The filing tracks the increase filed by Texas Eastern Transmission Corp. (Texas Eastern) on January 7, 1972, pursuant to the Stipulation and Agreement approved by Commission order issued March 24, 1971, in Docket No. RP70-29 et al. Algonquin requests waiver of the 30 day notice provisions of the Commission's regulations to permit the revised tariff sheets<sup>1</sup> to become effective on February 25, 1972, or such other date as the increased rates proposed by Texas Eastern become effective.

In support of its filing, Algonquin refers to the data which it submitted in support of its tracking increase in Docket No. RP72-70 and states that there has been no material change in facilities, sales volumes, or cost of service other than cost of gas since its filing in Docket No. RP72-70.

In view of the fact that the purpose of Algonquin's filing is to track its supplier's rate increase we will accept Algonquin's

revised tariff sheets for filing to become effective February 25, 1972, or such later date as the proposed increased rates tendered by Texas Eastern on January 7, 1972, become effective, and consolidate Docket No. RP72-97 with Docket No. RP70-30 et al.

## The Commission finds:

(1) It is appropriate and in the public interest for the proceedings in Docket No. RP70-30 et al., and RP72-97 to be consolidated for decision.

(2) It is necessary and proper in the public interest to permit Algonquin to track the filed increase in cost of purchased gas.

(3) Good cause exists to waive the notice provisions of § 154.22 of the Commission's regulations under the Natural Gas Act.

## The Commission orders:

(A) The proceedings in Docket No. RP70-30 et al., and RP72-97 are consolidated.

(B) Algonquin is permitted to place into effect the above revised tariff sheets on February 25, 1972, or such other date as the underlying increased rates proposed by Texas Eastern become effective, subject to flow-through of its supplier's refunds and rate reductions and to orders issued in Docket No. RP70-30 et al.

(C) Good cause exists to waive the notice requirements of § 154.22 of the Commission's regulations under the Natural Gas Act to permit the tendered sheets to become effective February 25, 1972, or on such other date as the increased rates proposed by Texas Eastern become effective.

The rate increase allowed to become effective by this order merely passes on an increase from Algonquin's gas supplier and is an incremental increase over and above the level of rates of which the justness and reasonableness has not yet been determined by the Commission. Therefore the Commission at this time is unable to make the appropriate certification with regard to this increase under § 300.16(e) of the Price Commission's regulations (6 CFR 300.16(e)).

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.72-3482 Filed 3-7-72; 8:49 am]

[Docket No. CS72-711, etc.]

## ROBERT ALLEN VENABLE ET AL.

Notice of Applications for "Small Producer" Certificates<sup>1</sup>

FEBRUARY 24, 1972.

Take notice that each of the applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce,

<sup>1</sup> This notice does not provide for consolidation for hearing of the several matters covered herein.

all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before March 22, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

Docket No.	Date filed	Name of applicant
CS72-711...	2-10-72	Robert Allen Venable Independent Executor and Trustee U/W of R. H. Venable, deceased, 2711 Mercantile Bank Bldg., Dallas, Tex. 75201.
CS72-712...	2-10-72	United Engineering Service, Inc., Post Office Box 40216, Houston, TX 77040.
CS72-713...	2-10-72	Duer Wagner & Co., 2700 Continental National Bank Bldg., Fort Worth, Tex. 76102.
CS72-714...	2-10-72	Petrol Industries, Inc., Post Office Box 9778, Dallas, TX 75214.
CS72-715...	2-10-72	Hewitt B. Fox, Inc., 900 Guaranty Bank Plaza, Corpus Christi, TX 78401.
CS72-716...	2-10-72	Agnes E. Lindstrom, 1585 Ridge Ave., Evanston, IL 60200.
CS72-717...	2-10-72	Edwin J. Schermerhorn, 2824 South Columbia Place, Tulsa, OK 74114.
CS72-718...	2-10-72	Pegg B. Gillette, Drawer G, Castroville, Tex. 78009.
CS72-719...	2-10-72	Phoebe Schermerhorn, 2824 South Columbia Place, Tulsa, OK 74114.
CS72-720...	2-10-72	Graves Drilling Co., Inc., 505 Union Center, Wichita, KS 67202.
CS72-721...	2-11-72	Snyder Vogel, 6273 Boca Raton Dr., Dallas, TX 75230.

<sup>1</sup> Volume No. 1:

Twenty-fifth Revised Sheet No. 5.  
Twenty-fifth Revised Sheet No. 10.  
Twenty-sixth Revised Sheet No. 11-A.  
Twenty-sixth Revised Sheet No. 12.  
Twenty-fifth Revised Sheet No. 14.  
Twenty-second Revised Sheet No. 15-J.

Volume No. 2:

Twenty-sixth Revised Sheet No. 4.  
Twenty-third Revised Sheet No. 57.



Docket No.	Date filed	Name of applicant
CS72-722...	2-11-72	Petrodyne Exploration Co., Post Office Box 52852 O.C.S., Lafayette, LA 70501.
CS72-723...	2-11-72	J. D. Burke, Post Office Box 1386, Corpus Christi, TX 78403.
CS72-724...	2-11-72	South Texas Petroleum, Inc., Post Office Box 1573, Corpus Christi, TX 78403.
CS72-725...	2-14-72	Milton Crow, Inc., Ray P. Oden Bldg., Shreveport, LA 71101.
CS72-726...	2-14-72	Doug Peters, 3506 Arrowhead, Austin, TX 78731.
CS72-727...	2-14-72	W. R. Davis, Post Office Box 1727, Midland, TX 79701.
CS72-728...	2-14-72	Despot Exploration, Inc., Post Office Box 1814, Shreveport, LA 71166.
CS72-729...	2-14-72	Plaza Oil Corp., 8705 Katy Freeway, Suite 208, Houston, TX 77024.
CS72-730...	2-14-72	Offshore Exploration Corp., 830 Denver Club Bldg., Denver, Colo. 80202.
CS72-731...	2-11-72	Harry A. Trueblood, Jr., Trustee for Katherine A. and John B. Trueblood, 1800 Lincoln St., Suite 1300, Denver, CO 80203.
CS72-732...	2-14-72	Luelle B. Trueblood, 1800 Lincoln St., Suite 1300, Denver, CO 80202.
CS72-733...	2-15-72	Reese M. Rowling, 1508 The 600 Bldg., Corpus Christi, Tex. 78401.
CS72-734...	2-15-72	W. L. Popejoy, 1519 The 600 Bldg., Corpus Christi, Tex. 78401.
CS72-735...	2-15-72	William E. Colson, 806 Guaranty Bank Plaza, Corpus Christi, Tex. 78401.
CS72-736...	2-15-72	M. P. Gilbert, 60 East 42d St., Room 5212, New York, NY 10017.
CS72-737...	2-15-72	Ethel W. Bird and Charles Allen Bird, Post Office Box 1145, Midland, TX 79701.
CS72-738...	2-15-72	Louisiana-Pacific Resources, Inc., 804 Mid South Towers, Shreveport, La. 71101.

[FR Doc.72-3259 Filed 3-7-72;8:45 am]

## FEDERAL RESERVE SYSTEM CENTRAN BANCSHARES CORP.

### Acquisition of Banks

Centran Bancshares Corp., Wilmington, Del., formerly CNB Bancorporation, Wilmington, Del., has applied, in three separate applications as set forth below, for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)):

(1) To acquire indirectly 98.83 percent of the voting shares of The Farmers and Savings Bank, Loudonville, Ohio;

(2) To acquire indirectly 99.33 percent of the voting shares of The Richland Trust Co., Mansfield, Ohio; and

(3) To acquire indirectly 97.61 percent of the voting shares of The Sutton State Bank, Attica, Ohio.

These acquisitions would be accomplished through the proposed acquisition of 100 percent of the voting shares of Mid-Ohio Banc-Shares, Inc., Mansfield, Ohio. The factors that are considered by the Board in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The applications may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the applications should submit his views in

writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 24, 1972.

Board of Governors of the Federal Reserve System, March 1, 1972.

[SEAL]

TYNAN SMITH,  
Secretary of the Board.

[FR Doc.72-3446 Filed 3-7-72;8:45 am]

## HAWKEYE BANCORPORATION

### Acquisition of Bank

Hawkeye Bancorporation, Red Oak, Iowa, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 51 percent or more of the voting shares of The Citizens National Bank of Boone, Boone, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 23, 1972.

Board of Governors of the Federal Reserve System, March 2, 1972.

[SEAL]

TYNAN SMITH,  
Secretary of the Board.

[FR Doc.72-3447 Filed 3-7-72;8:45 am]

## JACOB SCHMIDT CO. AND AMERICAN BANCORPORATION, INC.

### Acquisition of Bank

Jacob Schmidt Co. and American Bancorporation, Inc., both of St. Paul, Minn., have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) for American Bancorporation, Inc., to acquire 100 percent of the voting shares (less directors' qualifying shares) of American State Bank of Moorhead, Moorhead, Minn., and thereby enable Jacob Schmidt Co. to acquire indirect control of American State Bank of Moorhead. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 23, 1972.

Board of Governors of the Federal Reserve System, March 2, 1972.

[SEAL]

TYNAN SMITH,  
Secretary of the Board.

[FR Doc.72-3448 Filed 3-7-72;8:45 am]

## MARSHALL & ILSLEY BANK STOCK CORP.

### Acquisition of Bank

Marshall & Ilsley Bank Stock Corp., Milwaukee, Wis., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of Citizens American Bank, Merrill, Wis. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 24, 1972.

Board of Governors of the Federal Reserve System, March 1, 1972.

[SEAL]

TYNAN SMITH,  
Secretary of the Board.

[FR Doc.72-3449 Filed 3-7-72;8:45 am]

## FEDERAL TRADE COMMISSION

### FAIR CREDIT REPORTING ACT

#### Notice of Proposed Interpretations

Notice is hereby given that the Federal Trade Commission has announced the first of its interpretations issued pursuant to § 1.73 of its procedures and rules of practice (36 F.R. 9293) in order to afford interested persons and groups an opportunity to place before the Commission their views with respect to the proposed interpretations. On May 22, 1971 the Commission amended its rules to provide for administration of the Fair Credit Reporting Act (Public Law 91-508, 84 Stat. 1127-1136, 15 U.S.C. 1601 et seq.), which became effective on April 25, 1971.

Section 1.73 of these rules provides, in part, that the Commission will issue interpretations of the Fair Credit Reporting Act when it appears that guidance as to the legal requirements of the Act would be in the public interest and would serve to bring about more widespread and equitable observance of the Act. The interpretations are not substantive rules and do not have the force or effect of statutory provisions. They are guidelines intended as clarification of the Fair Credit Reporting Act, and, like industry guides, are advisory in nature. Failure to comply with such interpretations may result in corrective action by the Commission under applicable statutory provisions.

The interpretations are as follows:

I. *Credit guides.* Credit guides are generally published by credit bureaus and leased on an annual basis to credit grantors. These "guides" are alphabetical listings of certain information, usually in code, rating each consumer as to how he pays his bills. For example, a business dealing with a consumer rates



the individual on a scale from 0 to 9 depending on the type of account, 9 being the most unfavorable rating a person may receive. This information is then forwarded to the credit bureau and is used in compiling the annual credit guide. All information is assembled into a book called a "credit guide" which is distributed, for a fee, to all bureau members wishing to make use of the information.

Section 603(d) of the FCRA defines a "consumer report" as "any written, oral, or other communication of any information by a consumer reporting agency bearing on a customer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, \* \* \* which is used or expected to be used or collected in whole or in part for the purpose of serving as a factor in establishing the consumer's eligibility for (1) credit or insurance to be used primarily for personal, family, or household purposes, or (2) employment purposes, or (3) other purposes authorized under section 604." Section 604 of the Act prohibits the furnishing of consumer reports except for the specified permissible purposes indicated therein.

"Credit guides", as presently compiled and distributed by credit bureaus, are a series of consumer reports, since they contain information which is used for the purpose of serving as a factor in establishing the consumer's eligibility for credit. It is apparent that at the time these series of consumer reports are distributed, no permissible purpose for obtaining these reports exists, in accordance with the provisions of section 604. That is, though a recipient of the credit guide may have a permissible purpose for obtaining credit information on one or more of the consumers whose names are contained in the "guide", no recipient could conceivably ever have a transaction with every individual whose name is contained therein. Additionally, the permissible purpose for furnishing the consumer report must exist at the time the request for the report is made; it is not enough to obtain the consumer report in anticipation that a permissible purpose will arise subsequently.

For the above reasons, it is the Commission's view that the publication and distribution of these credit guides is violative of the Fair Credit Reporting Act. To allow the continued compilation and distribution of these guides would provide a major means of circumventing the provisions of section 604 of the Fair Credit Reporting Act and would ignore one of the stated purposes of the Act, i.e., "respect for the consumer's right to privacy". Businesses that have need of information on a consumer, and have a right to that information because, for example, the consumer is applying for credit, are expected to contact the consumer reporting agency as the need arises.

**II. Protective bulletins.** A number of trade associations and other organizations issue Protective Bulletins, which are lists of consumers who have issued worthless checks or who for some other

reason may not be credit worthy, or lists of persons whose alleged personal characteristics or affiliations disqualify them for employment. The question arises whether under the FCRA are such lists considered "consumer reports" and if so, may they be distributed?

Communications issued by "persons" (broadly defined in FCRA section 603 (b)) which are used to determine a consumer's credit worthiness are limited by sections 603 and 604 of the Fair Credit Reporting Act and such information can only be distributed to credit grantors and others who have a specific legitimate business need for information about that individual in connection with his application for credit, insurance, employment or other similar business transactions. Therefore, the distribution of certain kinds of lists and "bulletins" appears to be restricted. However, this will not apply to certain kinds of communications issued by organizations which are limited to a series of descriptions, usually accompanied by photographs, of individuals for alleged violation of criminal laws. These descriptions are usually accompanied by a statement such as: "Information as to further activities, location or arrest of any of the following persons should be communicated to Police authorities named in the warnings".

In the Commission's view, such bulletins are not a "consumer report" or a series of them because the information was neither collected for consumer reporting purposes nor can it reasonably be anticipated that it will be used in connection with a legitimate business transaction with the persons reported upon. The primary purpose of the bulletin is to warn potential victims of the habits, practices and descriptions of alleged check forgers, swindlers and other criminals for whom arrest warrants are outstanding. While, of course, it is possible that an individual warned against in these bulletins could request a consumer loan, insurance or employment, this is clearly a sufficiently remote possibility so as not to justify elimination of such a publication on FCRA grounds. There appears to be no basis for concluding that the protections, rights, and privileges afforded to consumers under the Fair Credit Reporting Act can be extended to proscribe this kind of warning communication, so long as it remains devoid of information collected or reasonably expected to be used for the purpose of serving as a factor in establishing the subjects' eligibility for consumer credit, insurance, employment, or other purposes mentioned in section 604 of the Act.

**III. Loan exchanges.** As a rule, loan exchanges are owned and operated on a cooperative basis by local consumer finance companies, and their membership usually includes the nationwide companies operating in the particular area serviced by the exchange. All members of the local exchange are required to furnish to the exchange the full identity and loan amount of each of their borrowers. When a prospective borrower applies for a loan, the loan exchange is contacted

for a determination of how many and what kinds of loans he has currently outstanding.

Loan exchanges exist to fulfill one primary function: Collecting and reporting information to prospective credit grantors that has a direct "bearing on a consumer's credit worthiness, credit standing, credit capacity", etc. (definition of "consumer report", section 603(d)).

Section 603(f) of the FCRA defines "consumer reporting agency" to include any person which " \* \* \* on a cooperative nonprofit basis regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and which uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports". Accordingly, an exchange or pool which collects information which might bear on a decision to grant credit or insurance for personal, family or household use, or employment, and disseminates this information to its members or other third parties is a consumer reporting agency. Prospective lenders that use this information are required to make the section 615(a) disclosure to consumers when they deny credit on the basis of the information. However, if credit is denied or the cost increased on the basis of information obtained after direct inquiry to another lender (even if that lender's identity was supplied by the loan exchange), then the prospective credit grantor will give the section 615(b) disclosure rather than identify the loan exchange pursuant to section 615(a).

**IV. Motor vehicle reports.** It is quite common for certain businesses such as insurance companies to request reports on a prospective (or current) insured from various State Departments of Motor Vehicles. These reports are sold to such companies and generally reveal a consumer's entire driving record, including arrests for speeding, drunk driving, involuntary manslaughter, etc.

It is the Commission's view that, under the circumstances in which such a State motor vehicle report contains information which bears on the "personal characteristics" of the consumer (i.e., when the report refers to an arrest for drunk driving), such reports sold by a Department of Motor Vehicles are "consumer reports" and the agency is a "consumer reporting agency" when it sells such reports.

Since section 615(b), requiring the user's disclosure of information received from a third person who is not a consumer reporting agency, only applies to a denial of credit, the consumer is denied this important information when insurance is denied or the cost increased, unless the insurance company identifies the department pursuant to section 615(a), which requires a user to disclose the identity of any consumer reporting agency that has furnished such information.

We believe that there is no basis for granting State motor vehicle departments an exemption from the definition



of "consumer reporting agency" (section 603(f)). The reports clearly contain information "bearing on a consumer's \* \* \* character, general reputation, personal characteristics, or mode of living", and when they are used "as a factor in establishing the consumer's eligibility for \* \* \* insurance," (section 603(d)), the FCRA should apply.

V. *Prescreening for direct mail solicitations.* The practice of prescreening is common in the consumer reporting industry. One typical situation arises when a consumer reporting agency performs a list editing service for customers that market their products by direct mail solicitations. The seller sometimes sends his list to a consumer reporting agency, where the list is edited by deletion of those names that have an adverse credit record in the files.

In this instance, the editing process is only used for the purpose of determining to whom the initial mailing is sent. Those individuals edited out from the original list may apply for credit at a later date, in which case a new credit determination is made without reference to the mailing list either edited or unedited. In other situations, the consumer reporting agency is asked to create its own list of credit worthy individuals based upon the soliciting business' criteria.

The contention is put forth that the company does not deny credit to anyone whose name was deleted from the initial list and therefore it is not required to give notice to the consumer pursuant to section 615(a). It is also asserted that the prescreening service constitutes a permissible purpose to receive consumer reports under section 604(3)(A). That is, each individual whose name remains on the list then receives a solicitation involving an offer of extension of credit from the company. Finally, the list is used solely for the purpose stated above and is not used at any future date as a basis for denying credit.

Although those individuals deleted from the list may not have suffered a significant loss, the legislative history of the FCRA reveals a concern for the consumer's privacy and the accuracy of information stored at credit bureaus, and demonstrates a sensitivity as to the balance between the free flow of credit information for legitimate business purposes and the right of the consumer to keep his affairs private.

It appears from the legislative history that there must be some action or reaction on the part of a consumer to "trigger" the relationship necessary to satisfy section 604. Otherwise, the flow of credit information would become a one-sided affair. The user of a consumer report must be considering an extension of credit to the consumer based on an inquiry concerning credit, a request for credit or a response to a solicitation to extend credit. Sections 604(3)(A) and (E) provide no basis for the prescreening service unless the credit bureau has reason to believe that such a relationship exists between the user and each consumer at the time the information is re-

quested. While section 604(3)(E) permits the furnishing of credit information to persons who have "a legitimate business need for the information in connection with a business transaction involving the consumer," the sale of credit information for compiling a mailing list would not qualify as a transaction involving the consumer. It is reasonable to interpret a transaction "involving the consumer", as one in which the consumer himself is aware of the proposed transaction.

Under this interpretation, credit information may not be furnished or utilized by a consumer reporting agency for the purpose of compiling a mailing list if the individuals on the list have not specifically applied for credit or are otherwise unaware of the proposed transaction. To allow a company to utilize information contained in the files of the reporting agency without the knowledge or implied consent of the individual reported upon frustrates the right of the consumer to protect himself from mis-information and invades his privacy.

Consequently, prescreening activities of consumer reporting agencies for purposes such as direct mail solicitation are proscribed by the Fair Credit Reporting Act. Moreover, we see no difference between requesting a reporting agency to review its files and compile a list of all those who are credit worthy, and asking a reporting agency to do the same thing from a list of names submitted to the agency by the client. Further, the fact that the consumer reporting agency compiles the list and then makes the solicitation on behalf of the prospective user does not authorize utilizing consumer reports for such nonpermissible purposes.

Comments on the proposed interpretations may be submitted to the Secretary of the Commission within thirty (30) days from date of this notice. The proposed interpretations will automatically become final upon the expiration of sixty (60) days from the date of this notice unless the Commission determines to rescind, revoke, modify, or withdraw the interpretation, in which event notice of such action will be published in the *FEDERAL REGISTER*.

By direction of the Commission dated February 29, 1972.

[SEAL] CHARLES A. TOBIN,  
Secretary.

[FR Doc.72-3486 Filed 3-7-72;8:51 am]

## SMALL BUSINESS ADMINISTRATION

### CENTRAL CAPITAL CORP.

#### Notice of Surrender of License of Small Business Investment Company

Notice is hereby given that Central Capital Corp. (Central), 7 West Madison Street, Oak Park, IL 60302, has, pursuant to § 107.105 of the regulations governing Small Business Investment Companies

(13 CFR 107.105 (1971)), surrendered its license to operate as a small business investment company.

Central was incorporated March 7, 1961, under the laws of the State of Illinois, and issued License No. 07-0027 by the Small Business Administration on April 6, 1961.

Central was licensed to operate solely under the Small Business Investment Act of 1958, as amended (15 U.S.C. secs. 661 et seq.).

Under the authority vested by the Small Business Investment Act of 1958, as amended, and the regulations promulgated thereunder, the surrender of the license of Central is hereby accepted, and, accordingly, it is no longer licensed to operate as a small business investment company.

Dated: February 29, 1972.

A. H. SINGER,  
Associate Administrator  
for Investment.

[FR Doc.72-3450 Filed 3-7-72;8:45 am]

[Declaration of Disaster Loan Area 881;  
(Class B)]

### MASSACHUSETTS, MAINE, AND NEW HAMPSHIRE

#### Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of February 1972, because of the effects of certain disasters damage resulted to homes and business property located in the States of Massachusetts, Maine, and New Hampshire;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Assistant Administrator for Administration and Operations of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the offices below indicated from persons or firms whose property situated in all coastal areas affected in the aforesaid States, suffered damage or destruction resulting from floods and high tides occurring on February 19, 1972.

#### OFFICES

Small Business Administration Regional Office, John Fitzgerald Kennedy Federal Building, Government Center, Boston, MA 02203.

Small Business Administration District Office, 40 Western Avenue, Augusta, ME 04330.

Small Business Administration District Office, 55 Pleasant Street, Concord, NH 03301.

2. Temporary offices will be established at such areas as are necessary, addresses to be announced locally.



3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to August 31, 1972.

Dated: February 24, 1972.

CLAUDE ALEXANDER,  
Assistant Administrator for  
Administration and Operations.

[FR Doc.72-3451 Filed 3-7-72; 8:45 am]

[Declaration of Disaster Loan Area 882;  
(Class B)]

## WEST VIRGINIA

### Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of February 1972, because of the effects of certain disasters damage resulted to homes and business property located in the State of West Virginia;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Assistant Administrator for Administration and Operations of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the offices below indicated from persons or firms whose property situated in Mingo and Logan Counties, W. Va., suffered damage or destruction resulting from floods on February 26, 1972.

#### OFFICE

Small Business Administration Branch Office, U.S. Courthouse and Federal Building, Room 3410, 500 Quarrier Street, Charleston, WV 25301.

2. Temporary offices will be established at such areas as are necessary, addresses to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to August 31, 1972.

Dated: February 28, 1972.

CLAUDE ALEXANDER,  
Assistant Administrator for  
Administration and Operations.

[FR Doc.72-3452 Filed 3-7-72; 8:45 am]

## TARIFF COMMISSION

[TEA-W-132]

### GENERAL INSTRUMENT CORP.

#### Workers' Petition for Determination of Eligibility To Apply for Adjustment Assistance; Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expan-

sion Act of 1962, on behalf of the former workers of the Joliet, Ill., plant of General Instrument Corp., the U.S. Tariff Commission, on March 3, 1972, instituted an investigation under section 301(c)(2) of the act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with the automobile radio tuners (of the types provided for in item 685.25 of the Tariff Schedules of the United States) produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such company.

The petitioners have not requested a public hearing. A hearing will be held on request of any other party showing a proper interest in the subject matter of the investigation, provided such request is filed within 10 days after the notice is published in the FEDERAL REGISTER.

The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, DC, and at the New York City office of the Tariff Commission located in room 437 of the Customhouse.

Issued: March 3, 1972.

By order of the Commission.

[SEAL] KENNETH R. MASON,  
Secretary.

[FR Doc.72-3487 Filed 3-7-72; 8:49 am]

## INTERSTATE COMMERCE COMMISSION

### ASSIGNMENT OF HEARINGS

MARCH 3, 1972.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

FD 12131, Boston and Providence Railroad Corp. Reorganization, continued to March 15, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.  
MC 116763 Sub 190, Carl Subler Trucking, Inc., now assigned March 20, 1972, at Washington, D.C., postponed to April 24, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 128383 Subs 9 and 10, Pinto Trucking Service, Inc., now assigned March 20, 1972, at Washington, D.C., postponed to April 24, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 61592 Sub 232, Jenkins Truck Line, Inc., now assigned March 7, 1972, at Chicago, Ill., canceled and application dismissed.  
MC 116763 Sub 208, Carl Subler Trucking, Inc., now assigned April 19, 1972, at Washington, D.C., canceled and application dismissed.

MC 130139, Lelsure, Inc., assigned for hearing May 8, 1972, at Boston, Mass., in a hearing room to be later designated.

MC 135886, Action Air Freight, Inc., assigned for hearing May 8, 1972, at Garden City, N.Y., in a hearing room to be later designated.

MC 130156, Wegiel Travel Service, Inc., assigned for hearing May 15, 1972, at Boston, Mass., in a hearing room to be later designated.

MC 110325 Sub 51, Transcon Lines, assigned for hearing May 15, 1972, at Lansing, Mich., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.72-3503 Filed 3-7-72; 8:50 am]

[Notice 8]

### MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MARCH 3, 1972.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

#### MOTOR CARRIERS OF PASSENGERS

No. MC-1515 (Deviation No. 610) (Cancels Deviation No. 412), GREY-HOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, OH 44113, filed February 24, 1972. Carrier proposes to operate as a common carrier, by motor vehicle, of passengers and their baggage, and express and newspapers in the same vehicle with passengers, over a deviation route as follows: From St. Louis, Mo., over Interstate Highway 55 to junction U.S. Highway 61 at Brewer, Mo., thence over U.S. Highway 61 to junction Interstate Highway 55 near Fruitland, Mo., thence over Interstate Highway 55 to Memphis, Tenn., with the following access routes: (1) From Jackson, Mo., over U.S. Highway 61 to junction Interstate Highway 55, (2) from Sikeston, Mo., over U.S.



Highway 62 to junction Interstate Highway 55, (3) from Hayti, Mo., over Missouri Highway 84 to junction Interstate Highway 55, (4) from Blytheville, Ark., over Arkansas Highway 18 to junction Interstate Highway 55, (5) from Osceola, Ark., over Arkansas Highway 140 to junction Interstate Highway 55, (6) from Wilson, Ark., over Arkansas Highway 181 to junction Interstate 55 and (7) from Joiner, Ark., over Arkansas Highway 118 to junction Interstate Highway 55, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From St. Louis, Mo., over U.S. Highway 67 to Mehlville, Mo., thence over U.S. Highway 61 to junction Missouri Highway 72 (formerly U.S. Highway 61), near Fredericktown, Mo., thence over Missouri Highway 72 to junction U.S. Highway 61 at Jackson, Mo., thence over U.S. Highway 61 to junction old U.S. Highway 61 at a point approximately 1 mile northeast of Turrell, Ark., thence over old U.S. Highway 61 to Turrell, Ark., thence over U.S. Highway 61 via Clarksdale, Miss., to Vicksburg, Miss., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc. 72-3505 Filed 3-7-72; 8:50 am]

[Notice 17]

## MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 3, 1972.

The following publications are governed by the new § 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

### MOTOR CARRIERS OF PROPERTY

No. MC 87717 (Sub-No. 6) (Republication), filed February 19, 1971, published in the FEDERAL REGISTER issue of March 25, 1971, and republished this issue. Applicant: FANELLI BROTHERS TRUCKING COMPANY, a corporation, Centre and Nichols Streets, Pottsville, Pa. 17901. Applicant's representative: Robert H. Griswold, 100 Pine Street, Post Office Box 1166, Harrisburg, PA 17108. A report and order of the Commission, Review Board No. 3, decided February 2, 1972, and served February 24, 1972, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, (1) of perforated steel sheets, from the plant-site of Zapata Industries, Inc., at West Mahanoy Township, Schuylkill County, Pa., to Little Rock, Ark., Atlanta, Ga., Chicago, Ill., New Albany, Ind., Miami, Fla., Kansas City, Kans., Louisville, Ky., New Orleans, La., Detroit, Mich., St. Louis, Mo., Wallington, N.J., Newburgh, N.Y., Henderson, N.C., Cincinnati and Newark, Ohio, and Dallas and Houston, Tex.; (2) of aluminum sheets, from Sheffield, Ala., Terre Haute, Ind., and Oswego, N.Y., to the plant-site of Zapata Industries, Inc., at West Mahanoy Township, Schuylkill County, Pa.; (3) of plastic compound material, in bags, from the plant-site of Zapata Industries, Inc., at West Mahanoy Township, Schuylkill County, Pa., to Terre Haute, Ind.; and (4) of steel, from Philadelphia, Pa., to the plant-site of Zapata Industries, Inc., at West Mahanoy Township, Schuylkill County, Pa. Since it is possible that other parties have relied upon the notice of the application as published in the FEDERAL REGISTER, and may have an interest in and would be prejudiced by the lack of proper notice of the authority actually granted, a corrected notice will be published in the FEDERAL REGISTER and issuance of the certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any interested party may file a petition to reopen for other appropriate relief setting forth in detail the precise manner in which it had been so prejudiced.

No. MC 106674 (Sub-No. 76) (Republication), filed September 24, 1970, published in the FEDERAL REGISTER issue of October 15, 1970, and republished this issue. Applicant: SCHILLI MOTOR LINES, INC., Post Office Box 122, Delphi, IN 46923. Applicant's representative: Robert W. Loser, II, 1001 Chamber of Commerce Building, Indianapolis, Ind. 46204. A supplemental order of the Commission, Operating Rights Board, dated December 13, 1971, and served March 1, 1972, finds; that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of roofing, roofing material, floor tile and floor tile cement (except in bulk) from Joliet, Ill., to points in Kentucky, restricted to the transportation of traffic originating at the plantsites of G.A.F. Corp. at Joliet, Ill., and destined to points in Kentucky. Because it is possible that, other parties who have relied upon the notice of the application as published may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings of this order, a notice of the authority granted will be published in the FEDERAL REGISTER and issuance of a certificate in the proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in the proceeding setting forth in detail the precise manner in which it has been so prejudiced.

appropriate petition for leave to intervene in the proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 135599 (Republication) filed May 5, 1971, published in the FEDERAL REGISTER issue of June 4, 1971, under the name of Glenn Wittenburg, doing business as Wittenburg Truck Lines, and republished this issue under the name of substituted applicant. Applicant: WITTENBURG TRUCK LINE, INC., Readlyn, Iowa. Applicant's representative: James E. O'Donohoe, 26 North Chestnut Avenue, New Hampton, IA 50659. An order of the Commission, operating rights board, dated November 30, 1971, and served February 14, 1972, finds; that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle over irregular routes, of plastic drain tile, plastic water pipe, and plastic storm sewer pipe, from the plant-site of Hancor of Iowa, Inc., located near Oelwein, Iowa, to points in North Dakota, South Dakota, Nebraska, Kansas, Missouri, Illinois, Wisconsin, and Minnesota, and to Findlay, Ohio, under a continuing contract with Hancor of Iowa, Inc., Oelwein, Iowa, will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, transport plastic drain tile may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

### NOTICE OF FILING OF PETITIONS

No. MC 109772 (Sub-No. 22), (Notice of Filing of Petition To Remove Restriction), filed February 24, 1972. Petitioner: ROBERTSON TRUCK-A-WAYS, INC., 7101 East Slauson Avenue, Los Angeles, CA 90040. Petitioner's representative: Arthur J. Woodard (same address as above). Petitioner holds authority in No. MC 109772 (Sub-No. 22) to conduct operations as a motor common carrier, over irregular routes, transporting: Motor vehicles (except trailers, trucks, imported motor vehicles, and used motor vehicles which have been repossessed, embezzled, stolen, or damaged) in secondary movements, in truckaway service, between points in Nevada and points in that part of California south of the northern boundaries of San Luis Obispo, Kern, and San Bernardino Counties, Calif. restricted against the transportation of new motor vehicles in connection



with the rights held by Dallas & Mavis Forwarding Co., Inc., through interline, for the through transportation of traffic under such combination. By the instant petition, petitioner seeks to remove the restriction against the transportation of imported motor vehicles. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 133660 (Notice of Filing of Petition to Add Name of Shipper to Present Operating Authority), filed February 16, 1972. Petitioner: JEFMOR TRUCKING CO., INC., 50-08 Marenci Lane, Little Neck, NY 11362. Petitioner's representative: George A. Olsen, 69 Ton-nelle Avenue, Jersey City, NJ 07306. Petitioner states it is authorized in MC 133660 to conduct operations as a motor contract carrier, over irregular routes, transporting: Paint and materials, equipment and supplies used in the manufacture or sale of paint, except commodities in bulk, between New York, N.Y., and Yonkers, N.Y., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract with Proctor Paint and Varnish Co., Inc., of Yonkers, N.Y. By the instant petition, petitioner desires to add to the permit the name of Adelphi Paint & Color Works, Inc., of Ozone Park, N.Y. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

**APPLICATION FOR CERTIFICATE OR PERMIT WHICH IS TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE**

No. MC 120906 (Sub-No. 6), filed February 18, 1972. Applicant: SPECIAL SERVICE DELIVERY INC., 828 Prouty Avenue, Toledo, OH 43609. Applicant's representative: Paul F. Berry, 88 East Broad Street, Columbus, OH 43215. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities (except classes A and B explosives, and commodities in bulk), between the Toledo Municipal Airport located in Lake Township, Wood County, Ohio, and the Toledo Express Airport located in Swanton Township, Lucas County, Ohio, on the one hand, and, on the other, points in Ohio, restricted to the transportation of property having a prior or subsequent movement by air. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. This application is a matter directly related to MC-F-11470TA, published in the FEDERAL REGISTER, issue of March 8, 1972. The instant application seeks to convert the certificate of registration held by East Side Cartage, Inc., under MC 120128 (Sub-No. 1) into a cer-

tificate of public convenience and necessity. If a hearing is deemed necessary, applicant requests it be held at Columbus or Toledo, Ohio.

**APPLICATIONS UNDER SECTIONS 5 AND 210a(b)**

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1100.240).

**MOTOR CARRIERS OF PROPERTY**

No. MC-F-11422. (Amendment) (SMITH TRANSPORTATION CO.—Pooling—O.N.C. MOTOR FREIGHT SYSTEM), published in the January 12, 1972, issue of the FEDERAL REGISTER on pages 506 and 507. Amendment filed February 28, 1972, to include Point Mugu and Bardsdale, Calif., as additional points.

No. MC-F-11429. (Amendment) (GOLDEN WEST FREIGHT LINES—Pooling—O.N.C. MOTOR FREIGHT SYSTEM), published in the January 19, 1972, issue of the FEDERAL REGISTER on page 834. Amendment filed February 28, 1972, to include Calgro, Centerville Cutler, Ducor, Fergus, Fruitvale, Keyes, Oil City, Orangehurst, Orosi, Orris, Quail, Seguro, Sultana, Terra Bella, Wible Orchard, and Winton, Calif., as additional points.

No. MC-F-11470 TA. By application filed February 23, 1972, SPECIAL SERVICE DELIVERY, INC., 828 Prouty Avenue, Toledo, OH 43609, seeks temporary authority to lease the operating rights of EAST SIDE CARTAGE, INC., 357 Hamilton Street, Post Office Box 360, Toledo, OH 43601, under section 210a(b). An OP-OR-9 application has been filed by SPECIAL SERVICE DELIVERY, INC., to convert the certificate of registration of EAST SIDE CARTAGE, INC., into a certificate of public convenience and necessity under No. MC-120906 Sub-6. The applicant is using the procedure described in *Las Vegas Tank Lines, Inc., Ext.—California Points*, 107 M.C.C. 589 (1968).

No. MC-F-11471. Authority sought for control and merger by SUBURBAN MOTOR FREIGHT, INC., 1100 King Avenue, Columbus, OH 43212, of the operating rights and property of THE HAUSELMAN TRANSPORTATION COMPANY, 125 Park Street, Middleton, OH 45042, and for acquisition by JAMES R. RILEY, also of Columbus, Ohio, of control of such rights and property through the transaction. Applicants' attorney: Taylor C. Burneson, 88 East Broad Street, Suite 1680, Columbus, OH 43215. Operating rights sought to be controlled and merged: General commodities, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, and those requiring special

equipment, as a common carrier over regular routes, between Middletown, Ohio, and Cincinnati, Ohio, serving the intermediate point of Hamilton, Ohio, over one alternate route for operating convenience only, with restriction; and under a certificate of registration, in Docket No. MC-72214 Sub-4, covering the transportation of property, as a common carrier, in interstate commerce, within the State of Ohio. SUBURBAN MOTOR FREIGHT, INC., is authorized to operate as a common carrier in Ohio, Michigan, West Virginia, Illinois, Indiana, Kentucky, and Pennsylvania. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11472. Authority sought for purchase by FOPA TRANSPORT, INC., 315 West El Caminito Drive, Phoenix, AZ 85021, of a portion of the operating rights of CROSBY LUMBER & SUPPLY, INC., Post Office Box 670, Springerville, AZ 85938, and for acquisition by FOREST L. CAGLE, also of Phoenix, Ariz., of control of such rights through the purchase. Applicants' attorney: Donald E. Fernaays, 4114 A North 20th Street, Phoenix, AZ 85016. Operating rights sought to be transferred: Lumber, as a common carrier over irregular routes, from Snowflake, Cutter, Fredonia, and Payson, Ariz., to Port Heneme, Los Angeles, and San Diego, Calif., to points in New Mexico, and points in that part of Texas on and north of U.S. Highway 80 extending from El Paso, Tex., to Dallas, Tex., and on and west of U.S. Highway 75 extending from Dallas, Tex., to the Oklahoma-Texas State line. Vendee is authorized to operate as a common carrier in Arizona, California, Nevada, Idaho, Oregon, Washington, and New Mexico. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11474. Authority sought for purchase by H. W. TAYNTON COMPANY, INC., 40 Main Street, Wellsboro, PA 16901, of the operating rights and property of INDUSTRIAL TRUCK LINES, INC. (INTERNAL REVENUE SERVICE SUCCESSOR IN INTEREST), Box 86, Niagara Square Station, Buffalo, NY 14201, and for acquisition by ROBERT E. TAYNTON, SR., also of Wellsboro, Pa. 16901, ELIZABETH MARBLE, 63 Central Avenue, Wellsboro, PA. FLORENCE L. TAYNTON, 26½ Meade Street, Wellsboro, PA, of control of such rights and property through the purchase. Applicants' attorney and representative: A. David Millner, 744 Broad Street, Newark, NJ 07102, and District Director, Internal Revenue Service, Box 86, Niagara Square Station, Buffalo, NY 14201. Operating rights sought to be transferred: Under a certificate of registration in Docket No. MC-97877 Sub-1, covering the transportation of general commodities, as a common carrier in interstate commerce, within the State of New York. Vendee is authorized to operate as a common carrier in Pennsylvania, New York, New Jersey, Rhode Island, Ohio, West Virginia, Connecticut, Indiana, Kentucky, Massachusetts, and



Maryland. Application has been filed for temporary authority under section 210a (b). NOTE: MC-109821 Sub-32, is a matter directly related.

No. MC-F-11475. Authority sought for purchase by COOPER-JARRETT, INC., 23 South Essex Avenue, Orange, NJ 07051, of the operating rights and property of CARGO-IMPERIAL FREIGHT LINES, INC., and for acquisition by R. E. COOPER, JR., both of Orange, N.J. 07051, of control of such rights and property through the purchase. Applicants' attorney: Irving Klein, 280 Broadway, New York, NY 10007. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier* over regular routes, between Buffalo, N.Y., and Boston, Mass., serving the intermediate points of Rochester, Syracuse, Utica, and Albany, N.Y., all intermediate points located east of Albany, N.Y., on said routes; all off-route points located (1) within 25 miles of Boston, Mass., (2) in New York and Massachusetts within 25 miles of Albany, N.Y., and (3) in Connecticut and Massachusetts within 25 miles of Springfield, Mass., between Albany, and Gloversville, N.Y., serving specified intermediate points, between Syracuse and Albany, N.Y., serving all intermediate points, between Waterbury and Bridgeport, Conn., serving specified intermediate and off-route points, between Waterbury and Hartford, Conn., serving specified intermediate and off-route points, between Boston, Mass., and Manchester, N.H., serving all intermediate points and off-route points as follows: Those within 15 miles of Boston, North Andover, and Chelmsford, Mass., and Wilton, Goffstown, Milford, and Raymond, N.H.; *shoes, leather, shoe findings, and shoe manufacturing supplies and machinery*, between Boston, Mass., and Manchester, N.H., between Lawrence, Mass., and Manchester, N.H., serving all intermediate points; *soap and solvents*, from Providence, R.I., to Boston, Mass., serving no intermediate points; *general commodities*, with specified exceptions, over irregular routes, between Albany, N.Y., and points in New York and Massachusetts within 25 miles of Albany on the one hand, and, on the other, points in Massachusetts, certain specified points in Connecticut and points in Rhode Island north of Rhode Island Highway 14, including points on the indicated portions of the highways specified, between points in Erie County, N.Y., from points in Niagara and Wyoming Counties, N.Y., to points in Erie County, N.Y., between Waterbury, Conn., on the one hand, and, on the other, points in Connecticut, between Providence, R.I., on the one hand, and, on the other, points and places in the specified towns of Rhode Island, between Boston, Mass., on the one hand, and, on the other, points in Massachusetts within 10 miles of Boston; *chemicals and solvents*, from Boston, and Holyoke, Mass. Vendee is authorized to operate as a *common carrier* in Missouri, Nebraska, Iowa, Massachusetts, Illinois, New York, Pennsylvania, Connecticut,

Maryland, Delaware, Colorado, Kansas, Oklahoma, Texas, New Jersey, Indiana, Ohio, Kentucky, West Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11476. Authority sought for purchase by H. H. OMPS, INC., Post Office Box 368, Winchester, VA 22601, of a portion of the operating rights of EXPRESS INCORPORATED, Post Office Box 15, Stephenson, VA 22656, and for acquisition by H. H. OMPS, also of Winchester, Va. 22601, of control of such rights through the purchase. Applicants' attorney: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Operating rights sought to be transferred: *Feed and fertilizer*, as a *common carrier*, over regular routes, from Winchester, Va., to Martinsburg, Va., serving no intermediate points; *feed, fertilizer and lumber*, from Baltimore, Md., to Winchester, Va., serving no intermediate points; *feed, fertilizer, and wire*, from Winchester, Va., to Romney, W. Va., serving no intermediate points, and serving the off-route points of Wardsville and Moorefield, W. Va., with restriction; *fertilizer*, over irregular routes, from Winchester, Va., to Baltimore, Md.; and *fertilizer and feed*, from Baltimore, Md., to Winchester, Va. Vendee is authorized to operate as a *common carrier* in Maryland, Virginia, and West Virginia. Application has not been filed for temporary authority under section 210a(b).

#### MOTOR CARRIERS OF PASSENGERS

No. MC-F-11477. Authority sought for purchase by VALLEY TRANSPORTATION, INC., 516 Oxford Road, Oxford, CT 06483, of the operating rights of THE CONNECTICUT COMPANY, 53 Vernon Street, Hartford, CT 06106, and for acquisition by GEORGE H. KUSS, Hogs Back Road, Oxford, Conn. 06483, of control of such rights through the purchase. Applicants' attorneys: L. C. Major, Jr., Suite 301, 421 King Street, Alexandria, VA 22314, and Thomas W. Murrett, 342 North Main Street, West Hartford, CT 06117. Operating rights sought to be transferred: Passengers and their baggage, restricted to traffic originating in the territory indicated, in charter operations, as a *common carrier* over irregular routes, from points in Connecticut (except points in New London County), to points in New York, New Jersey, Pennsylvania, Massachusetts, Rhode Island, Vermont, New Hampshire, Maine, Delaware, Maryland, Virginia, and the District of Columbia; passengers and their baggage, restricted to traffic originating and terminating at the points indicated, in special operations on round-trip sightseeing or pleasure tours, from certain specified points in Connecticut, to certain specified points in New York and Massachusetts; passengers and their baggage, restricted to traffic originating in the territory indicated, in special operations, from points in Connecticut (except points in New London County), to points in Maine, Delaware, Maryland, Virginia,

and the District of Columbia; passengers and their baggage, in special operations, in round trip sightseeing or pleasure tours, beginning at certain specified points in Connecticut, and extending to points in New Jersey, Pennsylvania, Rhode Island, Vermont, New Hampshire, and points in Massachusetts east of the Connecticut River, and points in New York, except points east of the Hudson River and on and south of New York Highway 2 from Troy, N.Y., to the New York-Massachusetts State line, with no pickup or discharge of passengers or baggage en route; passengers and their baggage, in the same vehicle with passengers, in round-trip special operations, beginning and ending at certain specified points in Connecticut, and extending to the site of Yankee Stadium and Shea Stadium, New York City, N.Y., during the respective baseball and football seasons thereat, beginning and ending at certain specified points in Connecticut, and extending to certain specified points in New York, N.Y., during the racing season of each year thereat; passengers and their baggage, and newspapers in the same vehicle with passengers, between Port Chester, N.Y., and Stamford, Conn., serving all intermediate points; and in pending docket No. MC-78374 Sub-12 TA, covering the transportation of passengers and their baggage in the same vehicle with passengers, in round-trip special operations, over irregular routes, beginning and ending at Hartford and New Haven, Conn., and extending to the site of Schaefer Stadium, Foxboro, Mass., and certificate not yet issued. Vendee is authorized to operate as a *common carrier* in Connecticut, New York, New Jersey, Massachusetts, Rhode Island, and Pennsylvania. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11479. Authority sought for purchase by HARRY EARL NEWLON, JR., doing business as NEWLON'S TRANSFER, 1511 North Nelson Street, Arlington, VA 22201, of a portion of the operating rights of WHITNEY TRANSFER COMPANY, INC., 10th and Clay Streets, Bowling Green, KY 42101. Applicants attorney: Paul F. Sullivan, 711 Washington Building, Washington, D.C. 20005. Operating rights sought to be transferred: *Household goods*, as a *common carrier* over irregular routes, between points in Alabama and Georgia, between points in Alabama, on the one hand, and, on the other, points in Florida, Georgia, Louisiana, Mississippi, and Tennessee, between points in Kentucky and Tennessee, and those in that part of Ohio and Indiana within 10 miles north of the Ohio River; and *household goods* as defined by the Commission, between Nashville, Tenn., and points in Tennessee, Alabama, and Kentucky within 125 miles of Nashville, on the one hand, and, on the other, points in Florida, Georgia, North Carolina, South Carolina, Alabama, Louisiana, Mississippi, Virginia, Kentucky, Illinois, Indiana, Ohio, Pennsylvania, New York, Connecticut, Massachusetts, Rhode Island, New Jersey, Delaware, Maryland,



Missouri, Texas, Oklahoma, West Virginia, Michigan, Minnesota, Wisconsin, and the District of Columbia. Vendee is authorized to operate as a common carrier in Virginia, Maryland, Connecticut, Delaware, Florida, Georgia, Indiana, Massachusetts, Michigan, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, West Virginia, Kentucky, Illinois, Ohio, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.72-3506 Filed 3-7-72; 8:50 am]

### NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

MARCH 3, 1972.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a) (6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by § 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

Tennessee Docket No. MC 189 (Sub-No. 3), filed February 22, 1972. Applicant: STEPHENS TRUCK LINE, INC., Highway 46-A, Post Office Box 328, Dickson, TN 37055. Applicant's representatives: James Clarence Evans and Charles Carter Baker, Jr., 18th Floor, Third National Bank Building, Nashville, Tenn. 37219. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, for compensation by motor truck, between Memphis, Tenn., on the one hand, and, on the other hand, Dickson, Tenn., via I-40 and such access routes within Dickson County between I-40 and Dickson, as may be available, with no service at intermediate points except those in Dickson County, but with open doors at all points in Dickson County and with this authority to be tacked and used in conjunction with all of applicant's other authority; restricted, however, against handling any traffic moving between any point in Davidson County, Tenn., and Memphis, Tenn. Co-extensive authority sought in interstate commerce.

HEARING: April 6, 1972, at the Commission's Court Room, C-1 Cordell Hull Building, Nashville, Tenn., at 9:30 a.m.

Requests for procedural information including the time for filing protests concerning this application should be addressed to the Tennessee Public Service, Cordell Hull Building, Nashville, Tenn. 37219, and should not be addressed to the Interstate Commerce Commission.

Michigan Docket No. C 239 Case No. 10 (Correction) filed December 27, 1971, published FEDERAL REGISTER, issue of February 16, 1972, and republished as corrected this issue: Applicant: INTERCITY TRUCKING SERVICE, INC., 14333 Goddard Street, Detroit, MI 48212. Applicant's representative: E. W. Klein (same address as applicant). NOTE: The sole purpose of this partial republication is to reflect name of applicant and applicant's representative, as was erroneously omitted. The rest of the application remains the same.

Texas Docket No. 2395, filed February 10, 1972. Applicant: CURRY MOTOR FREIGHT LINES, INC., 700 Northeast Third, Amarillo, TX. Applicant's representative: Grady L. Fox, 222 Amarillo Building, Amarillo, Tex. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, from Shamrock, Tex., via U.S. Highway 66 (Interstate 40), approximately 6 miles east to the intersection of Texas FM 1802 and then approximately 1 mile south to the site at Norrick, Tex., and return over the same route. Both intrastate and interstate authority sought.

HEARING: Approximately 30 days after publication in the FEDERAL REGISTER, time and place not shown. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Railroad Commission of Texas, Capitol Station, Post Office Drawer 12967, Austin, TX 78711, and should not be directed to the Interstate Commerce Commission.

Tennessee Docket No. MC 5441 (Sub-No. 1), filed February 22, 1972. Applicant: NASHVILLE-CLARKSVILLE EXPRESS, INC., Post Office Box 986, Clarksville, TN 37040. Applicant's representative: Clarence Evans, 18th Floor, Third National Bank Building, Nashville, Tenn. 37219. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, except those of unusual value, classes A and B explosives, commodities in bulk and commodities requiring special equipment via regular routes, between Clarksville and Memphis, Tenn., serving no intermediate points over the following routes: (1) From Clarksville via U.S. Highway 79 to Memphis and return over the same route; and (2) from Clarksville via U.S. Highway 79 to junction U.S. Highway 45-E at or near Milan, Tenn., thence via U.S. Highway 45-E to junction U.S. Highway 45, thence via U.S. Highway 45 to junction Interstate Highway 40, thence via Interstate Highway 40 to Memphis and return over the same route. Restriction: Service is restricted against the transportation of traffic originating at, destined to, or interchange at Nashville, Tenn., and points in its commercial zone. Alternate routes for operating convenience

only: (1) From Clarksville via Tennessee Highway 48 to Dickson, thence via Tennessee Highway 46 to junction Interstate Highway 40, thence via Interstate Highway 40 to Memphis and return over the same route; and (2) from Nashville via Interstate Highway 40 to Memphis and return over the same route. Both intrastate and interstate authority sought.

HEARING: April 26, 1972, at the Commission's Court Room, C-1 Cordell Hull Building, Nashville, Tenn., at 9:30 a.m. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn. 37219, and should not be directed to the Interstate Commerce Commission.

Arkansas Docket No. M-6677, filed February 15, 1972. Applicant: FRED M. JACOBS, doing business as WALDRON TRUCK LINES, 443 North 47th Street, Fort Smith, AR 72901. Applicant's representative: James B. Blair, 111 Holcomb Street, Springdale, AR 72764. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, between Waldron, Ark., and Mena, Ark., via U.S. Highway 71, serving all intermediate points. Both intrastate and interstate authority sought.

HEARING: Arkansas Transportation Commission Hearing Room, Justice Building on April 17, 1972, at 10 a.m. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Department of Commerce, Arkansas Transportation Commission, Justice Building, Little Rock, Ark. 72201 and should not be directed to the Interstate Commerce Commission.

Alabama Docket No. 16524, filed February 22, 1972. Applicant: W. M. BURNETT TRUCK LINE, INC., Post Office Box 206, Haleyville, AL 35565. Applicant's representatives: J. Douglas Harris and James D. Harris, Jr., 1110 Union Bank Building, Montgomery, Ala. 36104. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *Commodities generally*, between all points and places within a radius of ten miles from Haleyville, Ala., including Haleyville, Ala. This is an extension of the authority now held by applicant to serve Haleyville in Winston County. Both intrastate and interstate authority sought.

HEARING: Date, time, and place not shown. (Contact Alabama Public Service Commission.) Requests for procedural information including the time for filing protests concerning this application should be addressed to the Alabama Public Service Commission, Montgomery, Ala. 36102, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.72-3504 Filed 3-7-72; 8:50 am]



[Notice 31]

# MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 29, 1972.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

## MOTOR CARRIERS OF PROPERTY

No. MC 30844 (Sub-No. 391 TA), filed February 16, 1972. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Post Office Box 5000, Waterloo, IA 50704. Applicant's representative: Paul Rhodes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unpackaged and packaged glass aquariums, aquarium accessories, aquarium supplies, and equipment*, from Saginaw, Mich., to points in Alabama, Arizona, Arkansas, California, Connecticut, Delaware, Florida, Idaho, Kentucky, Maine, Maryland, Massachusetts, Mississippi, Montana, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Texas, Utah, Vermont, Washington, West Virginia, Wyoming, and the District of Columbia, restricted to shipments originating at the plantsites and warehouse facilities used by O'Dell Manufacturing, Inc., at Saginaw, Mich., for 180 days. Supporting shipper: O'Dell Manufacturing, Inc., 1930 South 23d Street, Saginaw, MI 48601. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 42963 (Sub-No. 44 TA), filed February 16, 1972. Applicant: DANIEL HAMM DRAYAGE COMPANY, 12th and Tyler Street, St. Louis, Mo. 63102. Applicant's representative: Ernest A. Brooks II, 1301-02 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

transporting: (1) *Liquid printers ink*, in bulk, in shipper owned demountable tank bins, from the plantsite of General Printing Ink Corp., Overland, Mo., to points in the United States (except Alaska and Hawaii); and (2) *printers ink ingredients*, on return, in shipper owned demountable tank bins, from points in the United States (except Alaska and Hawaii), to the plantsite of General Printing Ink Corp., Overland, Mo., for 150 days. Supporting shippers: General Printers Ink Corp., 135 West Lake Street, Northlake, IL 60164; Division of Sun Chemical Corp., 750 Third Avenue, New York, NY 10017. Send protests to: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, 210 North 12th Street, Room 1465, St. Louis, MO 63101.

No. MC 51146 (Sub-No. 259 TA), filed February 14, 1972. Applicant: SCHNEIDER TRANSPORT, INC., Post Office Box 2298, 2661 South Broadway, 54304, Green Bay, WI 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Savannah, Ga., to points in Maine, New Hampshire, and Vermont, for 180 days. Supporting shipper: Roger L. Schoening, Union Camp Corp., 1600 Valley Road, Wayne, NJ. Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 111729 (Sub-No. 337 TA), filed February 17, 1972. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, NY 11040. Applicant's representative: John M. Delany (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, audit and accounting media of all kinds*, (a) between Chicago, Ill., and Cedar Rapids, Iowa; (b) between Congers, N.Y., on the one hand, and, on the other, Melvern, Pleasant Gap, and Uniontown, Pa.; Boonsboro, Hagerstown, and Williamsport, Md.; (c) between Tiffin, Ohio, and Kokomo, Ind.; (d) between King of Prussia, Pa., on the one hand, and, on the other, Atlantic City, Cape May, Edison, Elizabeth, Montclair, Newark, New Brunswick, Paterson, Princeton, Saddlebrook, Trenton, and Willingboro, N.J., and New York, N.Y.; (e) Indianapolis, Ind., on the one hand, and, on the other, Ashland, Bowling Green, Covington, Erlanger, Frankfort, Henderson, Lexington, Louisville, Madisonville, Owensboro, Paducah, and Shively, Ky.; (2) *small computer parts, business machine parts, assemblies and supplies pertaining thereto*, restricted to articles or packages weighing in the aggregate less than 100 pounds, from one consignor to one consignee, on any day, between Holland, Ohio, on the one hand, and, on the other, Buffalo, N.Y., Chicago, Ill., St. Louis, Mo., and Milwaukee, Wis., and points in Michigan, Indiana, Kentucky, Pennsylvania, and West Virginia; (3) *blood*,

*urine, and tissue specimens and documents pertaining thereto*, between King of Prussia, Pa., on the one hand, and, on the other, Atlantic City, Cape May, Edison, Elizabeth, Montclair, Newark, New Brunswick, Paterson, Princeton, Saddlebrook, Trenton, and Willingboro, N.J., and New York, N.Y.; and (4) *small replacement and repair parts for tractors, farm and industrial, and material handling equipment*, restricted to articles or packages weighing in the aggregate less than 95 pounds, from one consignor to one consignee on any one day, between Congers, N.Y., on the one hand, and, on the other, Melvern, Pleasant Gap, and Uniontown, Pa.; Boonsboro, Hagerstown, and Williamsport, Md., for 180 days. Supporting shippers: Computer Research, Inc., 7 Parkway Center, Pittsburgh, PA 15220.; Appalachian Stone, 66 Long Clove Road, Congers, NY 10920; American Standard, Plumbing and Heating Division, Post Office Box 279, Tiffin, OH 44883; Bio-Medical Laboratories, Inc., 491 Allendale Road, King of Prussia, PA; Allstate Insurance Co., 250 North Shadeland Drive, Indianapolis, IN 46219; Burroughs Corp., Second Avenue, Detroit, Mich. 48232. Send protests to: Thomas W. Hopp, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, NY 10007.

No. MC 112520 (Sub-No. 256 TA), filed February 17, 1972. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Post Office Box 1200, Tallahassee, FL 32302. Applicant's representative: Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude oil*, in bulk, in tank vehicles, from the plantsite of Sun Oil Co. at or near Jay, Fla., to Mobile, Ala., for 180 days. Supporting shipper: Sun Oil Co., 907 South Detroit Avenue, Post Office Box 2039, Tulsa, OK 74101. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 112520 (Sub-No. 257 TA), filed February 17, 1972. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Post Office Box 1200, Tallahassee, FL 32302. Applicant's representative: Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten sulphur*, in bulk, in tank vehicles, (1) from points in Escambia County, Fla., to points in Louisiana, Mississippi (except Pascagoula), Alabama (except Mobile and Le Moyne), Georgia, and Florida; (2) from points in Santa Rosa County, Fla., to points in Louisiana, Mississippi (except Pascagoula), Alabama (except Mobile and Le Moyne), Georgia, and Florida; and (3) from points in Escambia County, Ala., to points in Louisiana, Mississippi, Alabama, Georgia, and Florida, for 180 days. Supporting shipper: Freeport Sulphur Co., 161 East 42d Street, New York, NY 10017. Send protests to: District Super-



visor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 114761 (Sub-No. 7 TA), filed February 16, 1972. Applicant: GETTER TRUCKING INCORPORATED, Post Office Box 368, Cut Bank, MT 59427. Applicant's representative: Tom Roholt, Post Office Box 772, Billings, MT 59103. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *General commodities, except those of unusual value, ordinary livestock, and household goods as defined by the Commission;* (2) *machinery or machines and parts thereof, and materials, equipment, and supplies in connection therewith, used in the operation, repair, servicing, maintenance, and dismantling of bakeries, dairy, creamery, and cheese manufacturing plants, ice manufacturing or refrigeration plants, laundry and drycleaning establishments (other than household), and milling operations, all in truckloads, requiring special equipment;* (3) *forest products, lumber and lumber products, iron and steel products, airplane engines and parts, wrecked motor vehicles, railroad equipment, materials and supplies, refrigeration and cooling equipment, and safes, vaults, and parts thereof, all in truckloads, requiring special equipment;* and fabricated or portable building, electrical appliances, materials, and parts, electrical poles, telephone and telegraph poles, and pole line equipment, elevating and hoisting machinery and equipment, mining, ore milling, and smelting machinery and equipment, roadbuilding equipment, material, and supplies, rock and stone crushers and parts, and telephone, telegraph, and electric lines, cables, appliances, equipment and parts, including the stringing and picking up thereof, all in truckloads;

(4) *Machinery, materials, supplies, and equipment incidental to or used in the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum;* (5) *building materials;* (6) *machinery, equipment, materials, and supplies used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts;* *machinery, materials, equipment, and supplies used in, or in connection with, the construction, operations, repair, servicing, maintenance, and dismantling of pipeline, including the stringing and picking up thereof;* *heavy machinery, equipment, materials, supplies, and tools used by construction, building, telephone, powerline, and excavation contractors;* and *heavy bulky articles, camps, camp supplies, and equipment used in the establishment of camps in connection with construction work;* and (7) *chrome, in package and in bulk, from points in Wyoming, to Pocatello and Boise, Idaho, for interline purposes only; no service to be performed in Idaho, for 180 days.*

NOTE: Applicant states it does intend to tack the authority with MC 114761 at Pocatello and Boise, Idaho. Supporting shipper: Getter Trucking, Inc., Post Office Box 368, Cut Bank, MT 59427. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 251, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 125535 (Sub-No. 4 TA) (Correction), filed February 2, 1972, published in the FEDERAL REGISTER issue of February 19, 1972, corrected in part and republished as corrected this issue. Applicant: JOHN SHARP TRUCKING COMPANY, INC., 346 Central Avenue, Woodbury, NJ 08097. Applicant's representative: Theodore Polydoroff, 1140 Connecticut Avenue NW., Washington, DC 20036. NOTE: The purpose of this partial republication is to set forth the correct commodity description as uncrated, in lieu of crated, shown erroneously in previous publication, and to omit the tacking information. The rest of the application remains as previously published.

No. MC 135760 (Sub-No. 4 TA), filed February 17, 1972. Applicant: COAST REFRIGERATED TRUCKING CO., INC., Post Office Box 188, Holly Ridge, NC 28445. Applicant's representative: Herbert Alan Dubin, 1819 H Street NW., Washington, DC 20006. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Fresh pork and processed meats, in vehicles equipped with mechanical refrigeration, between Wilmington, N.C., and Jamaica, N.Y., for 180 days.* Supporting shipper: John Krauss, Inc., 144027 94th Avenue, Jamaica, NY 11435. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 26894, Raleigh, NC 27611.

No. MC 136411 TA, filed February 14, 1972. Applicant: DARYL PERKINS, NEIL PERKINS AND DENNIS PERKINS, doing business as PERKINS MOTOR TRANSPORT, Rural Route No. 1, Mankato, MN 56001. Applicant's representative: James H. Malecki, State and Center Streets, New Ulm, Minn. 56073. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Prestressed concrete hollow core slabs, used for structural floor or wall paneling, from Savage, Minn., to Indianapolis, Ind., and return, damaged or rejected prestressed concrete hollow core slabs, from Indianapolis, Ind., to Savage, Minn.;* and (2) *steel strand, steel reinforcing rod and miscellaneous materials used by Fabcon, Inc., in its manufacturing and fabricating process at Savage, Minn., from Chicago, Ill., to Savage, Minn., for 180 days.* Supporting shipper: Fabcon, Inc., 700 West Highway 13, Savage, MN. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

#### MOTOR CARRIER OF PASSENGERS

No. MC 1515 (Sub-No. 173 TA), filed February 9, 1972. Applicant: GREYHOUND LINES, INC., 1400 West Third Street, Cleveland, OH 44113, Greyhound Tower, Phoenix, Ariz. 85077. Applicant's representative: Barrett Elkins (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over regular and irregular routes, transporting: Item A. Regular routes: *Passengers and their baggage and express and newspapers, in the same vehicle with passengers, between Cincinnati, Ohio, and Richmond, Ind., serving all intermediate points, from Cincinnati, Ohio, over U.S. Highway 127 to Hamilton, Ohio, thence over Ohio 129 to its junction with U.S. Highway 27 at Millville, Ohio, thence over U.S. Highway 27 to Richmond, Ind., and return over the same route;* Item B. Irregular routes: *Passengers and their baggage, in one way and round trip charter operations, originating at points on route described in Item A. above and extending to points in the United States, including Alaska but excluding Hawaii, for 180 days.* NOTE: Applicant proposes to tack with the authority now held under Docket MC 1515 and subs would be, specifically, at Richmond, Ind., and Cincinnati, Ohio. Authority in the area in which the foregoing joinder of routes is proposed, is authorized in the following Certificates of Public Convenience and Necessity: MC 1501, Sub 92; MC 1501, Sub 104; MC 1501, Sub 60; MC 1501, Sub 172; MC 1515, Sub 6, and also to interline with other carriers. Supported by: Passengers that had been using the service of Ohio Bus Line, Inc. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 3427 Federal Building, 230 North First Avenue, Phoenix, AZ 85025.

By the Commission.

[SEAL]

ROBERT L. OSWALD,  
Secretary.

[FR Doc.72-3509 Filed 3-7-72; 8:50 am]

[Notice 32]

#### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 1, 1972.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR, Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be



specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

#### MOTOR CARRIERS OF PROPERTY

No. MC 2860 (Sub-No. 110 TA), filed February 18, 1972. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, NJ 08360. Applicant's representative: Addison Hand (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plumbing fixtures, equipment, materials, and supplies and accessories* (except liquid commodities in bulk, and except commodities which because of their size or weight require the use of special equipment), from the plantsite of American Standard, Inc., at New Orleans, La., to points in Texas, Arkansas, and Oklahoma, for 180 days. Supporting shipper: American Standard, Inc., Post Office Box 2003, New Brunswick, NJ 08903. Send protests to: Richard M. Regan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Trenton, NJ 08608.

No. MC 26396 (Sub-No. 47 TA), filed February 17, 1972. Applicant: POPELKA TRUCKING CO., doing business as THE WAGGONERS, Post Office Box 990, 201 West Park, Livingston, MT 59047. Applicant's representative: Dave Kemp (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Soybean meal* in bags and bulk, from points in Iowa, Illinois, and Minnesota, to points in Wyoming, Montana, Idaho, Washington, and Oregon; (2) *cottonseed meal and cake*, from points in Arkansas, Kansas, California, Oklahoma, Texas, and Arizona, to points in Wyoming, Montana, Idaho, Washington, and Oregon, for 180 days. Supporting shipper: The Peavey Co., 1100 Board of Trade Building, Portland, Ore. 97204. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 251, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 26396 (Sub-No. 48 TA), filed February 17, 1972. Applicant: POPELKA TRUCKING CO., doing business as THE WAGGONERS, Post Office Box 990, 201 West Park, Livingston, MT 59047. Applicant's representative: Dave Kemp (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prilled ammonia nitrates*, from points in Kansas, Iowa, Missouri, Illinois, and Missouri River points in Nebraska, to points in Montana, Wyoming, Idaho, and points west of the Missouri River in North and South Dakota, for 180 days. NOTE: Applicant states it intends to tack this authority with MC 26396. Supporting shipper: Cooper Sup-

ply Co., 2314 Bitterroot Drive, Billings, MT 59101. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 251, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 51146 (Sub-No. 261 TA), filed February 16, 1972. Applicant: SCHNELDER TRANSPORT, INC., 2661 South Broadway, Post Office Box 2298, Green Bay, WI 54304, Box 54306. Applicant's representative: Neil Du Jardin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand*, such as *chrome sand and zircon sand*; also *foundry sand additives consisting of clay, or various mixtures of clay, ground coal, wood flour, or other binding or treating ingredients*, from Albion, Mich., to points in Wisconsin and Illinois, for 180 days. Supporting shipper: American Colloid Co., 5100 Suffield Court, Skokie, IL 60076 (Ronald Williamson, Assistant Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 52460 (Sub-No. 113 TA), filed February 17, 1972. Applicant: HUGH BREEDING, INC., 1420 West 35th, Post Office Box 9515, Tulsa, OK 74107. Applicant's representative: Steve B. McCommas (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, from Midwest Terminal Warehouse Co., Kansas City, Mo., to points in Iowa, Kansas, Nebraska, and Oklahoma, for 180 days. Supporting shippers: R. H. May, Supervisor, Rates and Analysis, Olin, Post Office Box 991, Little Rock, AR 72203; J. J. Stefanec, Traffic Manager, Willchemco, Inc., National Bank of Tulsa Building, Tulsa, Okla. 74103. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 97310 (Sub-No. 9 TA), filed February 16, 1972. Applicant: BELL TRANSFER COMPANY, INC., 1600 B Street, Post Office Box 5636, Meridian, MS 39301. Applicant's representative: Jerry H. Blount, Post Office Box 2366, Jackson, MS 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from Birmingham, Ala., commercial zone to Meridian, Miss., and return, serving all intermediate points, from Birmingham, Ala., commercial zone along U.S. Highway 11 and/or Interstate Highway 59 to Meridian, Miss., and return, for 180 days. NOTE: Applicant intends to tack this authority with certificate MC-97310 and subs thereunder and interline at all terminal sites. Sup-

ported by: There are approximately 37 statements of support attached to the application which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 105269 (Sub-No. 51 TA), filed February 22, 1972. Applicant: GRAFF TRUCKING COMPANY, INC., Post Office Box 986, 2110 Lake Street, Kalamazoo, MI 49005. Applicant's representative: Thomas Woodworth (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Marion, Ind., to St. Louis, Mo., for 180 days. Supporting shipper: Gates Paper Co., 2409 West Second Street, Post Office Box 338, Marion, IN 46952. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 225, Federal Building, Lansing, Mich. 48933.

No. MC 107460 (Sub-No. 35 TA), filed February 16, 1972. Applicant: WILLIAM Z. GETZ, INC., 3055 Yellow Goose Road, Lancaster, PA 17601. Applicant's representative: Donald D. Shipley (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products* (except commodities in bulk), (1) from the plantsites of the Georgia-Pacific Corp. located at Kalamazoo and Portage, Mich., to the plantsite of the Georgia-Pacific Corp. located in West Hempfield Township, Lancaster County, Pa.; and (2) from the plantsite and warehouses of the Georgia-Pacific Corp. located in West Hempfield Township, Lancaster County, Pa., to points in Connecticut, Delaware, Florida, Georgia, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia, for 180 days. Supporting shipper: Georgia-Pacific Corp., 3815 North Carnation Street, Franklin Park, IL 60131. Send protests to: Robert W. Ritenour, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 508 Federal Building, Post Office Box 869, Harrisburg, PA 17108.

No. MC 107496 (Sub-No. 838 TA), filed February 17, 1972. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third Street, Post Office Box 855, 50304, Des Moines, IA 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer materials*, in bulk, from the plantsite of Midwest Terminal Warehouse at Kansas City, Mo., to points in Iowa, Kansas, Nebraska and Oklahoma, for 150 days. Supporting shipper: Willchemco,



Inc., National Bank of Tulsa, Tulsa, Okla. 74103. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 111045 (Sub-No. 90 TA), filed February 18, 1972. Applicant: REDWING CARRIERS, INC., Post Office Box 426, 7809 Palm River Road, Tampa, FL 33601. Applicant's representative: J. V. McCoy (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten sulphur*, in bulk, in tank trucks, (1) from points in Escambia County, Ala., to points in Louisiana, Mississippi, Alabama, Florida, and Georgia; and (2) from points in Escambia County, Fla. and Santa Rosa County, Fla., to points in Louisiana, Mississippi (except Pascagoula), Alabama (except Lemoyne and Mobile), Florida, and Georgia, for 180 days. Supporting shipper: Freeport Sulphur Co., 161 East 42d Street, New York, NY 10017. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, 5720 Southwest 17th Street, Room 105, Miami, FL 33155.

No. MC 114890 (Sub-No. 57 TA), filed February 18, 1972. Applicant: C. E. REYNOLDS TRANSPORT, INC., Post Office Box A, Terminal: A. A. Highway Caterville, 64835, Joplin, MO 64801. Applicant's representative: Frank W. Shagets (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and fertilizer materials*, from the plantsite of Midwest Terminal Warehouse in Kansas City, Mo., to points in Iowa, Kansas, Nebraska, and Oklahoma, for 180 days. Supporting shippers: Willchemco, Inc., National Bank of Tulsa Building, Tulsa, Okla. 74103; Olin Agricultural Division, Post Office Box 991, Little Rock, AR 72203. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 117439 (Sub-No. 42 TA), filed February 18, 1972. Applicant: BULK TRANSPORT, INC., U.S. Highway 190, Post Office Box 89, Port Allen, LA 70767. Applicant's representative: John Schwab, 617 North Boulevard, Baton Rouge, LA 70802. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oilfield drilling mud*, from New Orleans, La., to points in Florida, for 180 days. Supporting shippers: Petroleum and Minerals Group, Division Dresser Industries, Inc., Houston, Tex. 77005, Austin Glover, Traffic Manager; Superbar Co., Division of Dresser Industries, Inc., Houston, Tex. 77005, William L. Vincent; Bits Tires and Chemicals Co., Inc., 1000 Francis Avenue, Metairie, LA 70003, L. D. Jones, President; Milchem, Inc., Post Office Box 2281, Houston, TX 77027 (E. O. Deason, Traffic Manager. Send Protests to: District Supervisor Paul D. Collins,

Interstate Commerce Commission, Bureau of Operations, T-4009 Federal Building, 701 Loyola Avenue, New Orleans, LA 70113.

No. MC 124236 (Sub-No. 40 TA), filed February 17, 1972. Applicant: CEMENT EXPRESS, INC., 1200 Simons Building, Dallas, Tex. 75201. Applicant's representative: William D. White, Jr., 2505 Republic National Bank Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *White portland cement*, from Houston, Tex., to points in Tennessee, for 180 days. Supporting shipper: General Portland Cement Co., Post Office Box 324, Dallas, Tex. 75221. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, TX 75202.

No. MC 124236 (Sub-No. 41 TA), filed February 17, 1972. Applicant: CEMENT EXPRESS, INC., 1200 Simons Building, Dallas, TX 75201. Applicant's representative: William D. White, Jr., 2505 Republic National Bank Tower, Dallas, TX 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Activated carbon*, from Marshall, Tex., to Lake Mead, Nev., for 180 days. Note: Carrier does not intend to tack its authority. Supporting shipper: ICI America, Inc., Wilmington, Del. 19899. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, TX 75202.

No. MC 129162 (Sub-No. 13 TA), filed February 17, 1972. Applicant: ROBERT BERNARD SCHILLI, Trustee under the last will of Bernard Raymond Schilli, deceased, doing business as SCHILLI TRANSPORTATION, 230 St. Clair Avenue, East St. Louis, IL 62201. Applicant's representative: J. R. Ferris (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitro-carbo-nitrate*, from Monsanto Co. at or near Central City, Ky., to destination points in the Tennessee counties of Campbell, Morgan, Anderson, Cumberland, and Bledsoe, for 180 days. Supporting shipper: James K. Kuykendall, Transportation Analyst, Monsanto Co., 800 North Lendbergh Boulevard, St. Louis, MO 63166. Send protests to: Harold C. Joliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 325 West Adams Street, Room 476, Springfield, IL 62704.

No. MC 129484 (Sub-No. 2 TA), filed February 18, 1972. Applicant: MELVIN WANG, doing business as MELVIN WANG TRUCKING, Fertile, Minn. 56540. Applicant's representative: Gene P. Johnson, 514 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer and liquid fertilizer ingredients*, in bulk, in tank vehicles, from Grand Forks, N. Dak., to points in Minnesota and those in North

Dakota on and east of North Dakota Highway 18, for 180 days. Supporting shipper: Fert-L-Flow, Post Office Box 115, Crookston, MN 56716. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 2340, Fargo, ND 58102.

No. MC 136369 (Sub-No. 1 TA), filed February 16, 1972. Applicant: H. G. SNYDER TRUCKING, INC., 1111 Pittfield Boulevard, St. Laurent 384, PQ, Canada. Applicant's representative: Wilmot E. James, Jr., 29 Nancy Drive, Troy, NY 12180. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Albany, N.Y., to the international boundary line between the United States and Canada, located at Champlain, NY, for shipments destined to points in Canada, for 180 days. Supporting shipper: Chiquita Brands, Inc., 1250 Broadway, New York, NY 10001. Send protests to: District Supervisor Martin P. Monaghan, Jr., Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, VT 05602.

No. MC 136376 (Sub-No. 1 TA), filed February 16, 1972. Applicant: MONT R. LYNCH, doing business as LYNCH TRUCKING, 1505 Bitterroot Drive, Billings, MT 59101. Applicant's representative: J. F. Meglen (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Woven fiber glass*, from Amsterdam, N.Y., and Waterville, Ohio, to Auburn, Wash., for 180 days. Supporting shipper: Durkin Chemicals, Inc., Post Office Box 655, Kirkland, WA 98033. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 251, U.S. Post Office Building, Billings, Mont. 59101.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.72-3510 Filed 3-7-72; 8:50 am]

[Notice 24]

## MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 3, 1972.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.



No. MC-FC-73467. By order of February 25, 1972, the Motor Carrier Board approved the transfer to Callens Trucking Co., Inc., South El Monte, Calif., of the operating rights in permits Nos. MC-133006, and MC-133066 (Sub-No. 1) issued March 18, 1969, and February 16, 1972, respectively, to Howard Callens, doing business as Callens Trucking Co., South El Monte, Calif., authorizing the transportation of (1) such articles and products as are dealt in manufactured and sold by manufacturers of building, school, and institutional supplies and equipment, and (2) commodities, the transportation of which is partially exempt, pursuant to provisions of section 203(b)(6) of the Interstate Commerce Act, when moving in the same vehicle and at the same time with commodities described in (1) above, from Harrison, Ark., Hialeah, Fla., Battle Creek and Kalamazoo, Mich., Indianapolis, Ind., Red Bank and Shrewsbury, N.J., Upper Sandusky, and Cleveland, Ohio, Philadelphia, Pa., Salt Lake City, Utah, and Norfolk, Va., to points in California; and such commodities as are used, distributed and dealt in by fabricators and distributors of canvas, webbing, and industrial fabrics, from points in Alabama, Connecticut, Florida, Georgia, New York, New Jersey, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, and Texas, to points in California, Donald Murchison, Suite 400, 9454 Wilshire Boulevard, Beverly Hills, CA 90212, attorney for applicants.

No. MC-FC-73490. By order of February 29, 1972, the Motor Carrier Board approved the transfer to Troy L. Smith Trucking, Inc., Oklahoma City, Okla., of the operating rights in permits Nos. MC-133840 (Sub-No. 1), and MC-133840 (Sub-No. 4) issued August 24, 1970, and November 30, 1971, respectively, to Troy L. Smith, doing business as Troy L. Smith Trucking Co., Oklahoma City, Okla., authorizing the transportation of butter and cheese, from Chillicothe, Emma, Kansas City, Mansfield, Seneca, and Springfield, Mo., Enid, Mangum, Oklahoma City, and Tulsa, Okla., and Arkansas City, Hillsboro, Kansas City, and Ottawa, Kans., to San Francisco, Los Angeles, Oakland, Alameda, San Diego, Torrance, and Camp Pendleton, Calif., and points in Arizona, and New Mexico, for the account of Wilsey Bennett, Co.; and creamery butter, not frozen, from Cushing, Okla., to San Francisco, Los Angeles, Oakland, Alameda, San Diego, Torrance, and Camp Pendleton, Calif., and points in Arizona, and New Mexico, for the account of Burkey Creamery, Rufus H. Lawson, Post Office Box 75124, Oklahoma City, Okla. 73107, attorney for applicants.

No. MC-FC-73497. By order of February 29, 1972, the Motor Carrier Board approved the transfer to Frank W. Lilly, Inc., Turtle Creek, Pa., of the operating rights in permits Nos. MC-30089, MC-30089 (Sub-No. 3) and MC-30089 (Sub-No. 5) issued April 13, 1949, August 25,

1947 and January 4, 1972 respectively, to Frank W. Lilly, Turtle Creek, Pa., authorizing the transportation of various commodities from and to specified points in Pennsylvania and New Jersey. Henry M. Wick, 2310 Grant Building, Pittsburgh, Pa. 15219, attorney for applicants.

[SEAL]

ROBERT L. OSWALD,  
Secretary.

[FR Doc.72-3507 Filed 3-7-72;8:50 am]

[Notice 24-A]

### MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 3, 1972.

Application filed for temporary authority under section 210(a)(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-73527. By application filed February 29, 1972, NOAH KING, JR., 123 North Simms Street, Royalton, IL 62983, seeks temporary authority to lease the operating rights of THOMAS YOUNG, Post Office Box 114, Royalton, IL 62983, under section 210a(b). The transfer to NOAH KING, JR., of the operating rights of THOMAS YOUNG, is presently pending.

By the Commission.

[SEAL]

ROBERT L. OSWALD,  
Secretary.

[FR Doc.72-3508 Filed 3-7-72;8:50 am]



## CUMULATIVE LIST OF PARTS AFFECTED—MARCH

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during March.

3 CFR	Page	14 CFR	Page	21 CFR—Continued	Page
EXECUTIVE ORDERS:		21.....	4325	144.....	4712
October 28, 1912 (revoked in part by PLO 5163).....	4713	39.....	4701, 4702, 4900-4902, 4956	145.....	4431
January 14, 1915 (revoked in part by PLO 5163).....	4713	71.....	4325, 4326, 4702-4704, 4902, 4903, 4957	146a.....	4907, 4958
February 1, 1917 (revoked in part by PLO 5165).....	4916	73.....	4326, 4903	148.....	4958
11052 (superseded by EO 11651).....	4699	75.....	4326, 4704, 4904, 4957	148i.....	4958, 4959
11214 (superseded by EO 11651).....	4699	77.....	4705	148w.....	4334, 4906
11651.....	4699	91.....	4326	149b.....	4906
		121.....	4904	149d.....	4907
		PROPOSED RULES:		149u.....	4431
5 CFR		39.....	4721, 4919	191.....	4909
213.....	4325	71.....	4357, 4721, 4722	PROPOSED RULES:	
316.....	4256	121.....	4358	3.....	4918
930.....	4325	250.....	4722	148e.....	4357, 4967
		373.....	4452		
6 CFR		399.....	4722	24 CFR	
201.....	4899			201.....	4256
7 CFR		15 CFR		215.....	4256
47.....	4705	701.....	4325	1914.....	4434
730.....	4899			1915.....	4435
811.....	4706	16 CFR		25 CFR	
906.....	4707	13.....	4246-4255	233.....	4910
907.....	4342	501.....	4429	26 CFR	
908.....	4342	PROPOSED RULES:		1.....	4963
910.....	4708, 4899	303.....	4724-4726	PROPOSED RULES:	
945.....	4951	17 CFR		1.....	4964
987.....	4900	230.....	4327	29 CFR	
993.....	4245	231.....	4327	55.....	4436
1046.....	4343	239.....	4329	101.....	4911
1079.....	4951	240.....	4329, 4330, 4708	102.....	4911
1137.....	4343	249.....	4330, 4331		
PROPOSED RULES:		PROPOSED RULES:		31 CFR	
301.....	4443	230.....	4359	332.....	4944
319.....	4443	239.....	4359, 4365	32 CFR	
911.....	4345	240.....	4454	70.....	4257
929.....	4443	249.....	4365	301.....	4334
946.....	4444	18 CFR		32A CFR	
987.....	4263	PROPOSED RULES:		Ch. X:	
1065.....	4352	101.....	4724	OI Reg. 1.....	4259, 4260
1133.....	4264	104.....	4724	33 CFR	
1427.....	4967	105.....	4724	117.....	4432, 4433
1804.....	4267	141.....	4724	207.....	4337
1823.....	4267	154.....	4724	PROPOSED RULES:	
9 CFR		201.....	4724	80.....	4292
97.....	4246	204.....	4724	95.....	4292
201.....	4952	205.....	4724	117.....	4451, 4452
PROPOSED RULES:		260.....	4724	38 CFR	
3.....	4918	19 CFR		21.....	4912
318.....	4356	19.....	4905	40 CFR	
12 CFR		20 CFR		180.....	4338, 4912, 4913
201.....	4701	405.....	4711	PROPOSED RULES:	
556.....	4956	21 CFR		164.....	4298
PROPOSED RULES:		2.....	4957	41 CFR	
207.....	4968	27.....	4905	8-52.....	4257
220.....	4968	121.....	4331, 4332, 4711, 4712	9-1.....	4913
221.....	4968	135.....	4332, 4333, 4429	9-5.....	4914
225.....	4359	135b.....	4332, 4333	9-7.....	4914
13 CFR		135c.....	4333, 4430, 4958		
PROPOSED RULES:		135e.....	4429		
120.....	4365	141.....	4431, 4906, 4958		
		141a.....	4906, 4907		

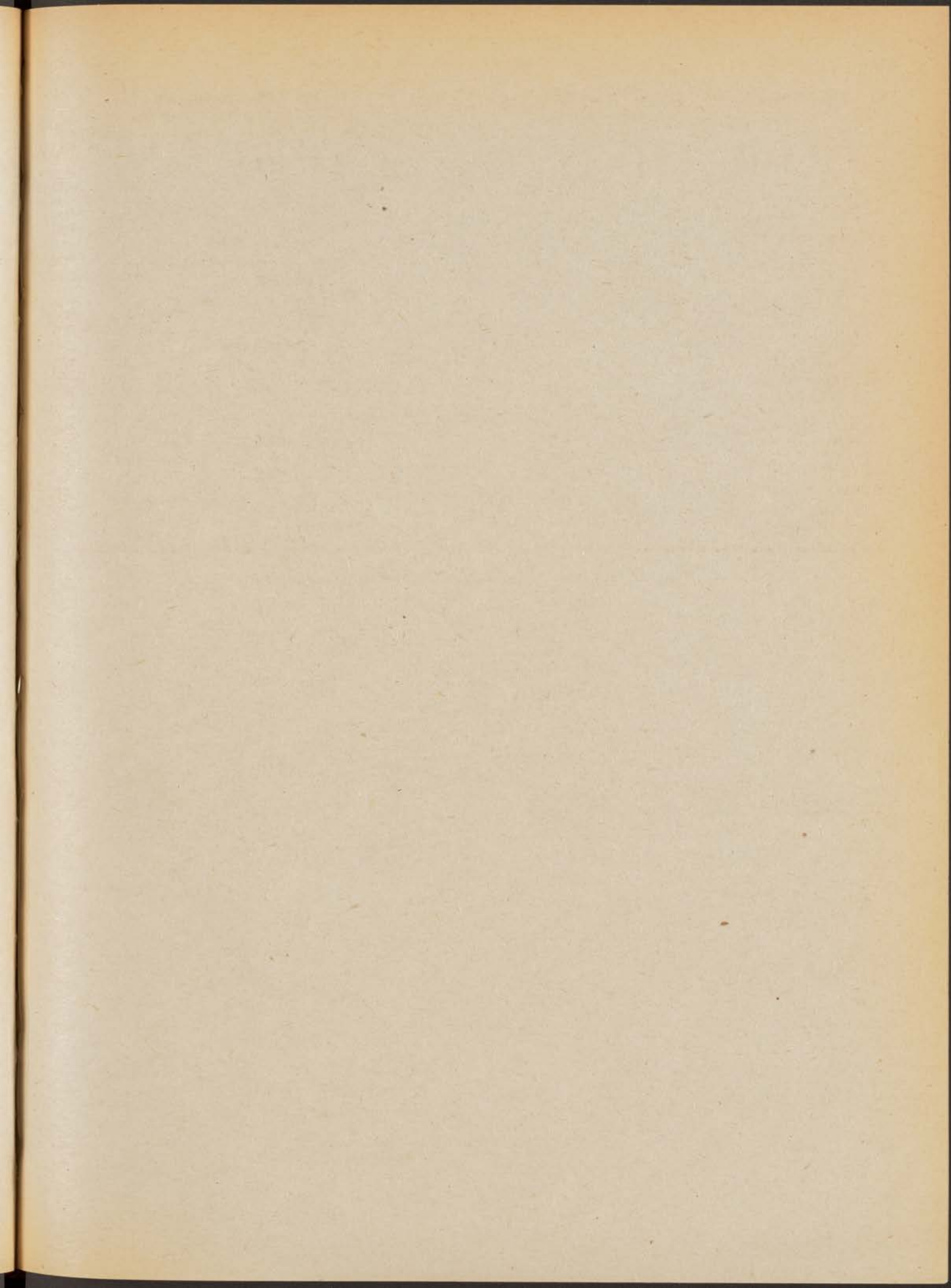


41 CFR—Continued	Page	46 CFR	Page	46 CFR—Continued	Page
9-8	4915	32	4960	PROPOSED RULES—Continued	
9-16	4915	110	4961	190	4292, 4357
Ch. 12	4802	111	4961	192	4292
14-1	4710	112	4962		
14-2	4710	113	4962	47 CFR	
14-16	4710	183	4962	2	4963
14-30	4710			73	4339, 4714
114-35	4257			81	4441
				83	4441
42 CFR		PROPOSED RULES:		PROPOSED RULES:	
90	4915	10	4292	2	4454
		25	4292		
43 CFR		30	4292	49 CFR	
PUBLIC LAND ORDERS:		31	4292	393	4340
5163	4713	32	4292	1005	4257
5164	4713	33	4292	1033	4429, 4917
5165	4916	34	4292	PROPOSED RULES:	
PROPOSED RULES:		61	4292	172	4295
1720	4262	70	4292	173	4295
4110	4262, 4263	71	4292	174	4295
4120	4262, 4263	72	4357	177	4295
4130	4262, 4263	75	4292	178	4295
		90	4292	179	4295
45 CFR		91	4292	1048	4727
PROPOSED RULES:		92	4292, 4357	1124	4968
118	4721	93	4292	50 CFR	
143	4721	94	4292	33	4342
		112	4292	240	4714
		146	4294	280	4715
		180	4292		
		187	4292		
		188	4292		

## LIST OF FEDERAL REGISTER PAGES AND DATES—MARCH

Pages	Date
4239-4318	Mar. 1
4319-4424	2
4425-4692	3
4693-4891	4
4893-4945	7
4947-4996	8

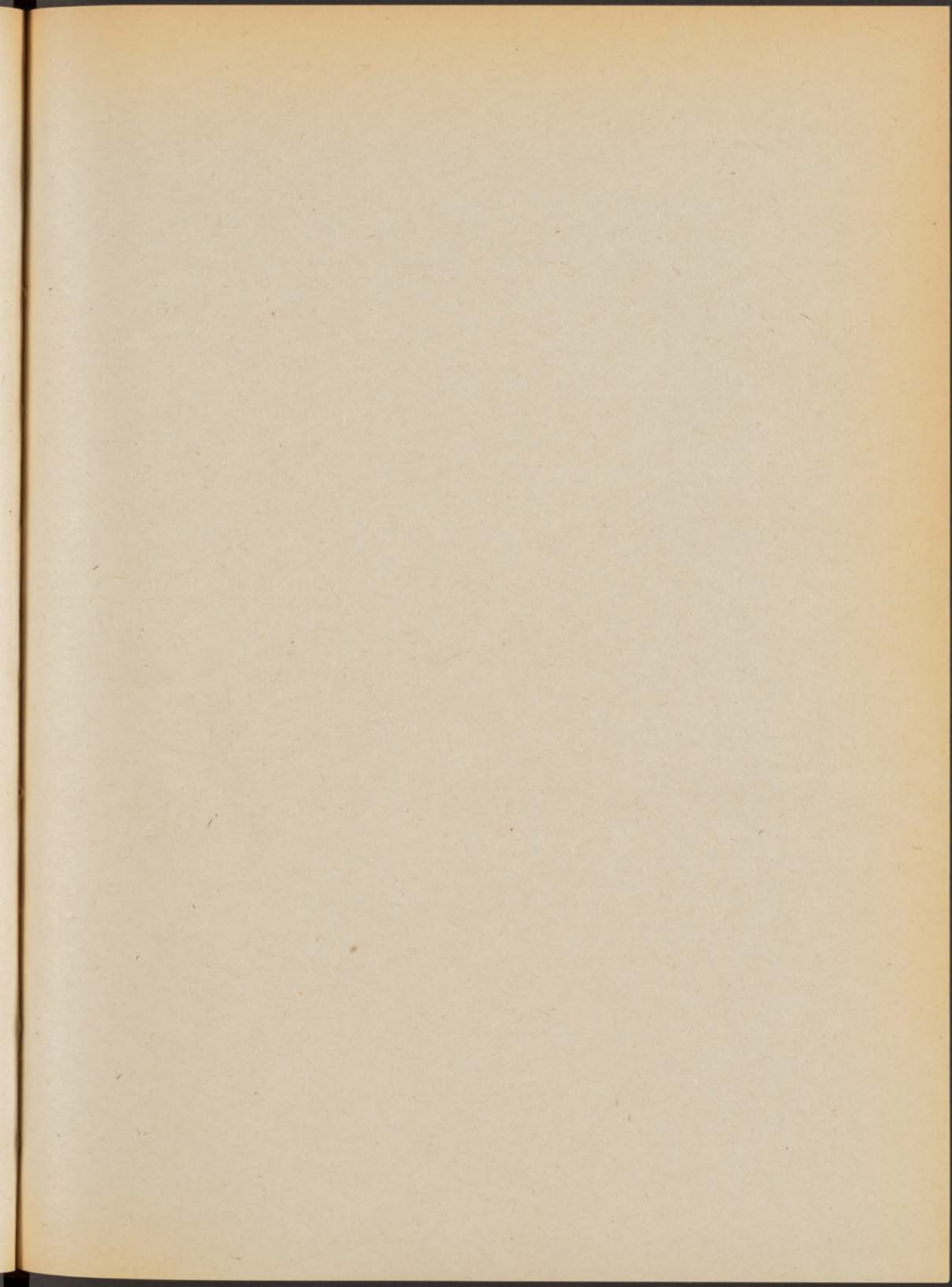








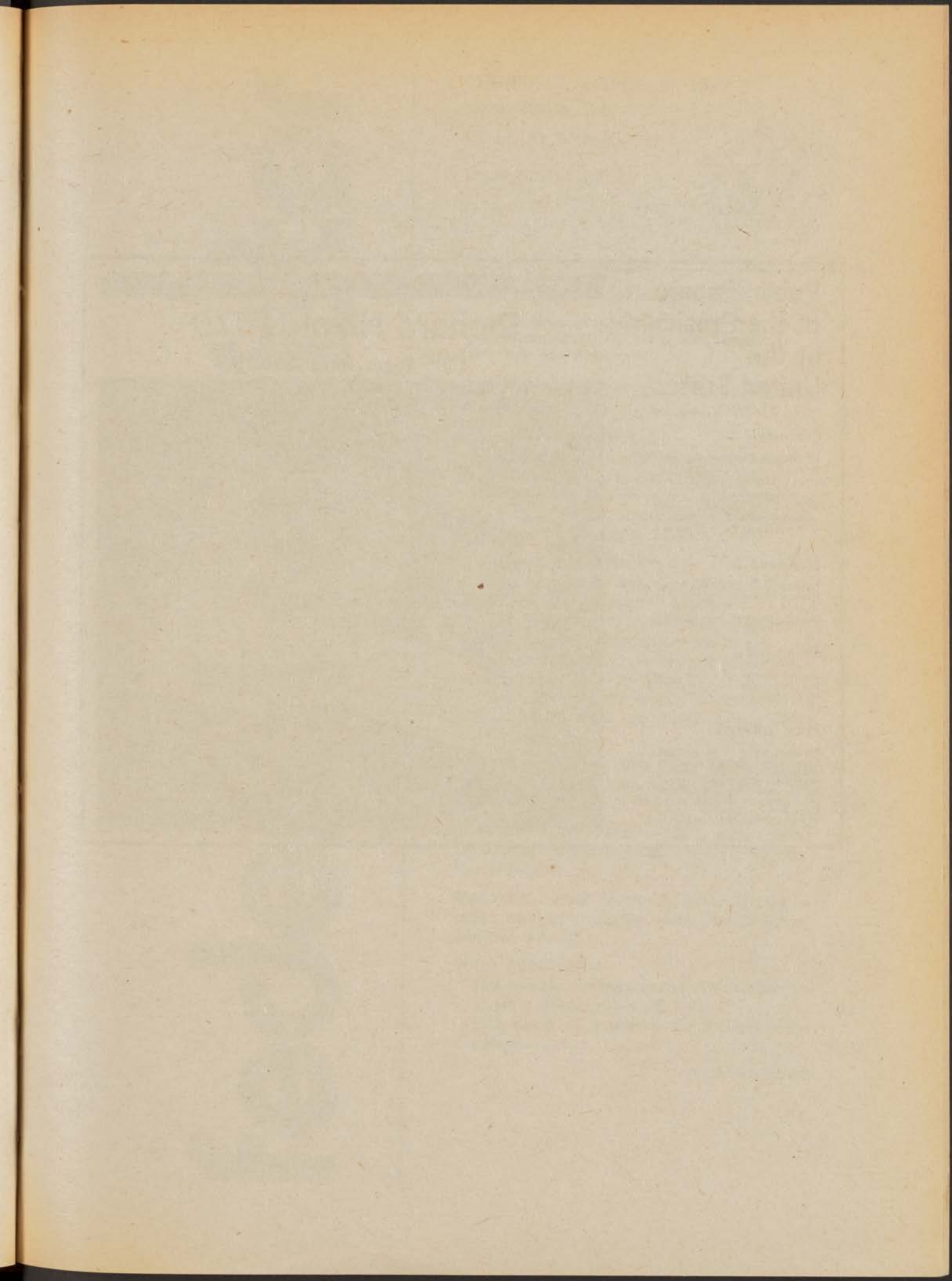














## Public Papers of the Presidents of the United States

## Richard Nixon/1970

1305 Pages/Price: \$15.75

### Contents

- Messages to the Congress
- Public speeches and letters
- The President's news conferences
- Radio and television reports to the American people
- Remarks to informal groups

### Published by

Office of the Federal Register  
National Archives and Records  
Service  
General Services Administration

### Order from

Superintendent of Documents  
U.S. Government Printing Office  
Washington, D.C. 20402

### Prior Volumes

Volumes covering the administrations of Presidents Truman, Eisenhower, Kennedy, Johnson, and the first year of President Nixon are available at varying prices from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

